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NOTE

The term 'Britain' is used informally in the *Survey of Current Affairs* to mean the United Kingdom of Great Britain and Northern Ireland. 'Great Britain' comprises England, Wales and Scotland.

Northern Ireland

Future political development in Northern Ireland and the need for a devolved administration there were the main themes of a speech made by the Secretary of State for Northern Ireland, Mr Peter Brooke, in Bangor on 9 January.

Mr Brooke's speech followed an earlier one on 6 December 1989 when, speaking to the Political Society of the Methodist College in Belfast, he had referred to 'a new mood developing in the electorate of Northern Ireland and their politicians'. This had led him to believe that 'it was just possible that the will might exist to achieve some political progress in the near future'. In his most recent speech, Mr Brooke developed his views in the light of his discussions with politicians in Northern Ireland and others who are influential in their communities.

Background

Between 1921 and 1972 Northern Ireland had its devolved parliament in which the mainly Protestant Unionists consistently formed the majority and hence constituted the Government in the province after successive elections. The British Government remained responsible for such matters as defence and the armed forces, foreign and trade policies, and taxation and customs.

Because of inter-communal violence between members of the Unionist and nationalist communities, the British Government concluded in 1972 that it should assume direct responsibility for law and order. This proved unacceptable to the Northern Ireland Government, which resigned. The Northern Ireland (Temporary Provisions) Act 1972, therefore, prorogued the Northern Ireland Parliament and gave the British Parliament and Government the necessary powers to assume direct rule. Under the Act a Secretary of State was appointed with overall responsibility for the government of Northern Ireland.

Political Initiatives

The British Government subsequently made several attempts to establish a locally elected administration acceptable to both sections of the community. In 1973 the Government published proposals for a devolved legislature and executive, and a 78-member Assembly was elected by proportional representation; an executive was appointed from these members, on which both the majority and minority communities were represented. This power-sharing executive, however, encountered Protestant 'loyalist' opposition which culminated in a general strike in 1974 leading to the resignation of the executive.

In 1976 an elected constitutional convention failed to agree on a system of government that would command widespread acceptance among both communities; it was, therefore, dissolved. Two years later a planned framework for a form of devolution to consolidate some common ground between the Northern Ireland political parties was rejected.

In 1980 a political conference failed to reach agreement and in 1981 the appointment of a Northern Ireland council to advise the Secretary of State was proposed but was rejected by the political parties.

Northern Ireland Assembly

A new initiative was taken by the British Government in 1982, the Northern Ireland Act 1982 providing for the resumption of legislative and executive functions by an elected assembly if agreement could be reached on how these powers should be exercised. The proposed arrangement would have to command widespread support throughout the community and be acceptable to the British Parliament.

In the meantime, the Assembly was given monitoring, scrutinising and consultative functions intended to make direct rule more accountable to local needs and allow elected members to contribute to the day-to-day government of Northern Ireland. It commented on a large quantity of draft legislation and initiated reports, for example, on education and industry.

When the 78-member Assembly was elected in October 1982 under the single transferable vote system of proportional representation, the nationalist representatives refused to take their seats. After the signature of the Anglo-Irish Agreement in November 1985 the Unionist parties – which held a majority of seats – suspended the Assembly's monitoring work as part of their protest against the Agreement. The Alliance Party withdrew from the Assembly in protest against the Unionist action. In March 1986 the Assembly decided formally not to fulfil its statutory functions and the Government decided that it should be dissolved (see pp 207-9, 1986).

The British Government remains committed to the search for a form of devolved government in Northern Ireland acceptable to, and enjoying the support of, both sections of the community.

Anglo-Irish Agreement

The 1985 Anglo-Irish Agreement – binding in international law – affirms that any change in the status of Northern Ireland can only come about with the consent of a majority of its people and it recognises that at present a majority do not want any change in this respect. The Agreement also states that, if in the future a majority in Northern Ireland should clearly wish and formally consent to a united Ireland, both Governments would introduce and support legislation to bring that about.

The Agreement established an Intergovernmental Conference (see pp 404-5, 1989), which meets regularly at ministerial or official level; the Irish Government is able to put forward views and proposals regarding political, security and legal matters in Northern Ireland, so long as these are not the responsibility of a devolved administration. There is provision for working together to improve co-operation in economic, social and cultural affairs. The Agreement has also opened the way to intensified cross-border co-operation between the two police forces against terrorism.

Generally welcomed by the minority nationalist community, the Agreement was opposed by many members of the Unionist majority on the grounds that it infringed British sovereignty over Northern Ireland and that it was a step towards a united Ireland. The Government believes this opposition to be misguided and that the Agreement offers benefits to both communities without detracting from the rights of either. The Unionists have called for a suspension of the workings of the Agreement before formal talks can take place between politicians on the setting up of a devolved administration.

Secretary of State's Speech

Speaking in Bangor on 9 January, Mr Brooke said that support for constitutional politics remained strong in the province despite the terrorist campaign and the lack of progress towards a political accommodation between the two traditions. Many politicians saw the need for both sides of the community to work together at the political level, recognising the direct benefits that could arise from local accountability for government functions. Although ministers would continue to do all they could to deliver good government, there was a limit to what could be achieved 'without the greater involvement of locally elected representatives'. The absence of a forum, in which local politicians could help to find solutions to the problems facing those they represented, was keenly felt by both the Government and local politicians. Discussions held with politicians suggested that there continued to be 'widespread support for the devolution of legislative and executive powers', although some favoured more limited initial steps in that direction.

The Unionists

Among the Unionists, Mr Brooke noted, there was an increasing emphasis that they should share more fully in decision-taking, whether at Westminster or more locally. Although there were differing views about the form and extent of devolution, there did seem to be a common recognition that there was a real need for powers to be devolved and that any form of devolution had to involve a proper role for both sides of the community. Moreover, Unionists had made clear their acceptance of the need for a good and neighbourly relationship between any new Northern Ireland administration and the Irish Republic and for a similar relationship between the United Kingdom and the Republic.

At the same time, Mr Brooke recognised that Unionists had also been seeking a commitment from the Government to consider a replacement to the Anglo-Irish Agreement and that they would like the workings of the Agreement to be suspended for a temporary period to enable political talks to start. The leadership of the two main Unionist parties had put forward ideas about the future government of Northern Ireland and these had been described by the Prime Minister, Mrs Margaret Thatcher, two years ago as a 'constructive' and 'encouraging' starting point for talks between the Northern Ireland political parties.

Mr Brooke said that his main impression from contacts with Unionist politicians was the strength of interest in seeking a better form of government for Northern Ireland, in which local elected representatives from both sides of the community could share on a basis fair to all.

The Social Democratic and Labour Party

Noting that the Social Democratic and Labour Party (SDLP) fully supported the Anglo-Irish Agreement and the reassurance that it provided to the nationalist community, Mr Brooke said that in recent months SDLP politicians had been stressing the advantages of a devolved form of government in which both sides of the community would be represented. They had acknowledged the importance of bridging the communal divide and creating a system of government in which representatives of the two communities could work successfully together. The SDLP accepted that Unionists wished to retain their political and cultural identity, as nationalists did theirs. It had recognised that progress could only be achieved through a dialogue and wanted to help bring this about with a view to achieving devolution.

Common Ground

In the light of those views, Mr Brooke commented, common ground did appear to exist about the major issues which talks between the political parties would need to address:

1 workable and acceptable arrangements for the exercise of devolved powers over a wide range of matters;

2 agreement on democratic institutions which would give appropriate weight to majority and minority aspirations and views;

3 the question of the Anglo-Irish Agreement and how to acknowledge the legitimate interest of the Irish Government in matters within Northern Ireland, particularly as regards the minority community, without dilution of United Kingdom sovereignty or the status of Northern Ireland as part of the United Kingdom; and

4 the question of a local political contribution to security matters.

In the first instance, Mr Brooke said, it was for the parties to agree on an agenda for talks. The British Government, however, was willing to provide any help if asked.

Government View

Setting out some of the principles which could guide the parties and the Government, Mr Brooke pointed out that there were certain realities that the parties could not ignore. Northern Ireland would not cease to be part of the United Kingdom without the consent of the majority of the Northern Ireland population. This had been the position in British law for 40 years and it was reinforced by Article 1 of the Anglo-Irish Agreement. 'Majority desire for a change in status does not exist at present and seems unlikely in the foreseeable future. That is the reality which I believe that all constitutional politicians in Northern Ireland in practice accept.'

Within that constitutional framework, the Government would continue to seek peace, order and good government for all the people of Northern Ireland. These objectives were shared by all the constitutional parties and they were likely to be best served by the greater localisation of political power.

The Government, therefore, was seeking institutions of government which would be directly accountable to all the people of Northern Ireland and to which they could give their wholehearted commitment and support. Its only broad criteria for endorsing any particular arrangement was that it should be workable, likely to prove stable and durable, command widespread support and provide a fair role for both sides of the community.

Mr Brooke said that it seemed likely in practice that the best hope for this lay 'through a devolved Province-wide administration and legislature'. The policy of devolution had been the policy of successive British governments since 1972 and the powers to be devolved could only be decided, after appropriate consultation, by the British Government and Parliament. He stressed that matters transferred to a new devolved administration would, of course, be outside the purview of the Intergovernmental Conference set up by the Anglo-Irish Agreement. The relationship between any new Northern Ireland administration and the Irish authorities would be an issue for discussions between both parties.

Commenting on the Government's general approach, Mr Brooke said that the existence of the two main traditions in Northern Ireland and the need for each to respect the other could not be denied. He continued: 'The Anglo-Irish Agreement represents an honest attempt to grapple with that reality, without confusing the constitutional reality of continued British sovereignty, and, since the nationalist community regards itself at least in part as Irish, it is natural and can be helpful that there should be an Irish dimension to Northern Irish affairs. ... the different traditions can be a source of strength and vitality, rather than division and weakness.'

The problems could only be solved by the political parties talking together and with the Government, which had set no preconditions for such talks and which was always ready to consider constructive proposals, particularly where they enjoyed a wide measure of support. Any agreement between the constitutional political parties on new arrangements for exercising political power in Northern Ireland would have substantial implications for the Anglo-Irish Agreement. 'The two Governments have already stated formally that, if in future it appeared that the objectives of the Agreement could more effectively be served by changes in the scope and nature of the working of the Conference, the two Governments would be willing in principle to consider making such changes. I do believe, as we have often said, that the Agreement can be operated sensitively, in the interests of bringing about talks between the political parties and giving them the best possible chance of success.'

Conclusion

Concluding, Mr Brooke said that the Government was ready to facilitate agreement on the arrangements for inter-party talks. Genuine political dialogue could bring the prize of a form of government which was widely acceptable, and local politicians, by demonstrating their ability to work together, would be helping to bring an end to terrorism. A successful devolved government would ensure that decisions about the day-to-day business of government would be more directly responsive to local needs and requirements.

Criminal Justice Reforms in England and Wales

Proposals for major reforms in the criminal justice system in England and Wales were published in a White Paper on 6 February. The aim is to ensure that non-violent offenders should, as far as possible, be punished within the community by means of tough and demanding non-custodial sentences and that offenders convicted of the most serious offences should receive long prison sentences so as to protect the public.

The White Paper's[1] main proposals seek to provide a coherent legislative framework for sentencing; new powers for the courts to impose longer sentences for violent and sexual offences; additional court powers to combine community service and probation orders; and a requirement for courts to consider a report by the probation service before giving a custodial sentence and to give reasons for imposing a custodial sentence, except in the case of the more serious offences. In addition, more use would be made of financial penalties, and the courts would be given wider powers to make parents take responsibility for crimes committed by their children. The Government also believes that the time served in prison should be closer to the sentence ordered by the court and that the present system of remission of sentence and early release on parole should be replaced by new arrangements.

[1] *Crime, Justice and Protecting the Public.* Cm 965. HMSO, £6·20. ISBN 0 10 109652 6.

THE WHITE PAPER

Objectives

The objective of the new legislative framework for sentencing would be to match the severity of the punishment to the seriousness of the crime and to make a sharper distinction in the way that the courts deal with violent and non-violent crime. Convicted criminals would be 'punished justly and suitably according to the seriousness of their offences; in other words that they get their just desserts'. Those who commit very serious crimes, particularly crimes of violence, should receive long custodial sentences whereas 'many other crimes can be punished in the community, with greater emphasis on bringing home to the criminal the consequences of his actions, compensation to the victim and reparation to the community'.

The Government says that the first objective for all sentences is denunciation of and retribution for the crime. It then adds: 'Depending on the offence and the offender, the sentence may also aim to achieve public protection, reparation and reform of the offender, preferably in the community.'

In itself, the White Paper says, prison is not an effective means of reform for most prisoners since the opportunity to learn from other criminals is pervasive and virtually no sense of personal responsibility is required from inmates. In contrast, 'compensation and community service can bring home to offenders the effect of their behaviour on other people' and 'the prospects of reforming offenders are usually much better if they stay in the community, provided that the public is properly protected'.

The White Paper also points out that, since much crime is committed on impulse and by offenders who live from moment to moment, 'it is unrealistic to construct sentencing arrangements on the assumption that most offenders will weigh up the possibilities in advance and base their conduct on rational calculation. Often they do not.'

Implementation

Noting that the legislation will be in general terms, the White Paper says that Parliament will not be asked to bind the courts with strict legislative guidelines. The courts would continue to have the wide discretion that they need to deal justly with the great variety of crimes which come before them. It adds: 'The Government rejects a rigid statutory framework ... or a system of minimum or mandatory sentences for certain offences. This would make it more difficult to sentence justly in exceptional cases. It could also result in more acquittals by juries, with more guilty men and women going free unjustly as a result.' The Government hoped that the Court of Appeal would give further guidance and it had already done so in the case of sentencing young offenders by interpreting the provisions of legislation passed in 1982 and 1988. The new legislative provisions, the maximum penalties for each offence, the guidance from the Court of Appeal and the Attorney General's new power to refer overlenient sentences for very serious offenders to the Court of Appeal would all contribute to the development of coherent sentencing practice.

Custody

The Government intends to introduce legislation which would require a court, before giving a custodial sentence, to be satisfied that the offence was so serious that only a custodial sentence was justified or that such a sentence was necessary to protect the public from serious harm. This provision would not apply to the most serious indictable offences, such as murder, manslaughter, rape, robbery, burglary when carrying firearms or other weapons, or burglary accompanied by violence or the threat of violence; it would be exceptional for the Crown Court not to pass a custodial sentence for offences of this kind.

Before giving a custodial sentence for the less serious offences, a court would be required to consider a report from the probation service about the offender in order to see whether the offender could be punished in the community, thereby enabling it to give full consideration to this option. 'Its purpose will not be to make recommendations about sentencing or to be a plea in mitigation.' The content of the report would have to include:

1 details of an activities programme which might enable the offender to make reparation through community service or a supervision programme tackling the offender's problems;

2 a description of the restrictions on liberty which the programme would involve;

3 information about the nature of the offence and the offender's attitude to it;

4 essential background information about the offender; and

5 an assessment of the offender's ability and willingness to tackle his or her offending behaviour.

Violent and Sexual Offences

The Government believes that there should be a sharper distinction between the severity with which the courts treat violent crime and property offences. Noting that more offenders are given custodial sentences for violent and sexual crimes than in the past, the White Paper proposes that the Crown Court – responsible for trying the most serious offences – should be given the power to give custodial sentences of longer duration (but still within the statutory maxima) than would be justified by the seriousness of the offence to persistent violent and sexual offenders if this was necessary to protect the public from serious harm. It would have to state the reasons for giving a longer sentence and the defendant would be able to appeal against it.

Theft and Burglary

The maximum penalty for theft would be reduced from ten to seven years' imprisonment and that for burglary, other than from people's homes, from 14 to ten years. The maximum penalty for burglary when the offender carries a firearm or other weapon will continue to be life imprisonment.

Suspended Sentences

Under the present system a court may pass a suspended sentence; the sentence is not served unless the offender is convicted of a further offence punishable with imprisonment, in which case the sus-

pended sentence takes effect. Another sentence may be imposed for the new offence. About three-quarters of suspended sentences in 1988 were completed satisfactorily.

The Government intends to retain the suspended sentence for offenders over 21 years old for serious offences. It would be available to the courts only when an offence was so serious as to justify a custodial sentence and if the court was satisfied that there were good reasons not to sentence the offender to immediate imprisonment and that community service or probation would not be suitable. A suspended sentence would also be combined with compensation to the victim or a fine. The present, partly suspended sentence would be abolished under the Government's proposals since new provisions on parole and early release (see p 56) would effectively replace it.

Community Penalties

Courts in England and Wales have a wide range of non-custodial sentences available, including fines, probation, community service, supervision and absolute or conditional discharge. In 1988 a total of 44,000 probation orders and 35,300 community service orders were made by the courts, these accounting for over 17 per cent of all the sentences given for indictable offences. A community service order requires an offender to perform unpaid work on behalf of the community and is available for those aged over 16 convicted of an offence for which a court can send an adult to prison. The minimum number of hours is 40 and the maximum 240 (120 for 16-year-olds). There are national standards setting out the type of work to be done, standards of performance and the action to be taken if the offender fails to comply with the order.

A probation order leaves the offender at liberty in the community, subject to certain requirements regarding his or her way of life; the order lasts between six months and three years and can be imposed on any person aged over 17 who is found guilty of an offence for which the penalty is not fixed by law.

In the belief that a new approach is required to reduce the use of custody, the White Paper says that 'punishment in the community should be an effective way of dealing with many offenders, particularly those convicted of property crimes and less serious crimes of violence, when financial penalties are insufficient'. Restrictions on liberty would become the connecting thread in a range of community penalties. 'The more serious the offence is, the greater the restrictions on liberty which would be justified as a punishment.'

Under the proposed legislation a court, before making an order placing restrictions on liberty, would have to be satisfied that the offence was so serious as to justify such restrictions but not serious enough to deserve custody. The seriousness of the offence would also have to justify the severity of the restrictions on liberty imposed by the order.

Community sentences would therefore be restructured for adult and young adult offenders to reflect this concept of graduated restrictions on liberty related to the seriousness of the offence. The main options for adults would be a probation order; a probation order with additional requirements, such as attendance at a day centre; community service of between 40 and 240 hours; and a new combined order, which would link community service and probation. Courts would also be empowered to impose a new curfew order, which could be used by itself or with other orders.

Probation

The Government is proposing that a probation order should become a sentence of the court; at present, an order is imposed 'instead of sentencing', a form of words reflecting the original intention that probation should be used for first, or relatively trivial, offenders. The courts would also be empowered to combine a probation order with a fine. Noting that existing probation orders can involve additional requirements, such as attending courses at day centres designed to prevent re-offending, the White Paper proposes that these centres should be renamed probation centres; there would be national standards for the centres, including a core curriculum and the maximum period of attendance would remain 60 days. It would also be made clear that a probation order could include a condition of treatment designed to reduce an offender's dependence on alcohol or drugs.

Community Service

The Government regards the present maximum of 240 hours and the minimum of 40 hours as satisfactory for community service orders. It is, however, proposing to alter the requirements on reporting to a supervisor, so that an offender can be required to report at any stage during the order whenever the supervisor considers this necessary to secure compliance with it. 'This would enable the offender to be interviewed and warned of the consequences of failure to comply and helped with any difficulties which are preventing the satisfactory completion of the order.'

A New Combined Order

A new power would be introduced to enable the courts to combine a probation order and community service, a power that is already available to the courts in Scotland. Under the new order the offender could be required to carry out a period of community service work while under the supervision of a probation officer. It would be possible to combine community service either with basic probation supervision or with probation with specified activities. The purpose would be to enable the courts 'to introduce an element of reparation but, at the same time, to provide the probation service with an opportunity to work with offenders, to reduce the likelihood of future offending'.

The maximum term for the probation element of a combined order would be the same as that for a probation order – up to three years. The maximum period of community service in a combined order would be 100 hours and this could take months to complete, with work in the evenings and at weekends; as with a community service order at present, the offender would have to consent and the court would have to be satisfied, after considering a report from a probation officer, about the offender's suitability to perform community service work.

Enforcement

On enforcing probation, community service and the new combined order, the White Paper suggests three stages – warnings and possibly administrative action by the supervisor; a decision, if necessary, to take the offender back to court; and the court's decision. More order and consistency in the arrangements would be introduced and, if the requirements on the offender were kept as simple as possible, they would be easier to enforce.

Curfew Order

The Government favours the introduction of a new curfew order to confine people to their homes at certain times. Such an order could be helpful in reducing some forms of crime, such as pub brawls and other types of disorder. On enforcement, the Government is keen to examine various possibilities and has set up three experimental projects using electronic monitoring for curfews on defendants remanded on bail (see p 212, 1989). The results of the experiment should be available later in 1990.

The new legislation would enable the courts to make a curfew order, either as a condition of release on bail or as a penalty following conviction. The court would have to consider whether the making of an order would be likely to reduce further offending and the likely effect on the offender's family and those living at the same address. If made as a penalty, the court would have to be satisfied that the seriousness of the offence justified imposition of the order. There would be a maximum limit on the number of days for which a curfew order could be made as a penalty. A separate power would be needed to enable the courts to order electronic monitoring to enforce a curfew order. The White Paper suggests that a curfew order, supported by electronic monitoring, could also run concurrently with a probation order, a community service order or a combined order.

Informing the Courts

The Government is proposing that there should be a new duty placed on the probation service to keep the courts informed of the outcome of the orders they supervise.

Fines

The great majority of criminal offences are dealt with by fines; in 1988 the courts convicted 1·6 million people, of whom 1·25 million received fines. The Government points out that the fine has certain limitations as a penalty since it requires the offender to have some financial resources that can be taken away, and the level of fine awarded can seem derisory if applied to well-off offenders. The White Paper, therefore, proposes that, following a full assessment of recent experiments in magistrates' courts, fines should be related to offenders' means. Defendants would be required to provide information about their means and the courts to reduce or increase fine levels according to the means of convicted offenders. It adds: 'The simplest way to do this would be to assess the fine level in units, according to the seriousness of the offence. The court's penalty would be given in units, which would then be translated into monetary values according to each offender's means.' The monetary value would have to be within the statutory maximum for each offence and payment would have to be made within a year.

Noting increasing public concern about activities damaging the quality of people's lives, the Government is proposing in its Food Safety Bill (see pp 316-19, 1989), and in other legislation, that there should be a maximum penalty of £20,000 as well as six months' imprisonment for some offences creating a direct risk of serious harm to public health or to the environment. These powers would be given to magistrates' courts. The most serious of such offences would be triable on indictment in the Crown Court, with a maximum penalty of two years' imprisonment or an unlimited fine or both.

Parole

Under the present parole system, first introduced in 1968, a prisoner serving a fixed sentence of at least six months becomes eligible for conditional release on parole after one-third of the sentence; if parole is granted, the prisoner is released on licence, which continues in force until the time when he or she would have been released had parole been refused. If the conditions of the licence are breached, the prisoner is liable to be recalled to prison. The decision whether to release on parole, says the White Paper, is based on 'whether it is better in the public interest to release a prisoner into the community under supervision, subject to conditions, or to retain him in custody and then to release him when his sentence expires, without the benefit of supervision and support which release on licence would have made available.'

The parole system does not affect the long-standing arrangements under which one-third of a prisoner's fixed sentence is remitted, subject to good behaviour. Remission is 50 per cent for those serving sentences of 12 months or less. Release on remission is unconditional. In 1987 the Government set up the Carlisle Committee to review the arrangements for parole and remission; the committee published its report in 1988 (see pp 408-10, 1988).

Proposals for Reform

The White Paper agrees that most of the Carlisle Committee's recommendations should be implemented. The aims of the new system would be protection of the public; prevention of re-offending; and successful re-integration of prisoners into the community. Preparations for release would begin in prison and this would need the prisoner's active co-operation. Dangerous prisoners serving determinate sentences might have to be held in custody for most of their sentence to protect the public.

Under the proposals, the time spent by prisoners in custody would be closer to the sentence imposed by the court and remission would be abolished. Arrangements for release before the full term of the sentence would be recast as follows:

1 All prisoners would spend at least half of the sentence in prison.

2 Prisoners serving sentences of under four years would be released after spending 50 per cent of their sentence in custody.

3 There would be a selective system of parole for prisoners serving sentences of four years or more.

4 All prisoners sentenced to terms of a year or more would be supervised on release until three-quarters of their sentence had passed.

5 A prisoner would be at risk of being returned to prison up to the end of his or her sentence if convicted of a further imprisonable offence during this period; at present, the sentence expires when the offender is released on remission.

6 Additional days spent in prison could be ordered for misconduct, effectively replacing the present system of loss of remission.

For those given determinate sentences of four years or more, the Government proposes that the Home Secretary should have the power to delegate the final decision on the release of some prisoners to the Parole Board. For the rest, the Parole Board would continue to make recommendations on release to the Home Secretary. Parole would not be granted, except on the Board's recommendation. The Home Secretary would continue to consider the release of those serving long determinate sentences of seven years or more since they will have committed very serious crimes and could be a risk to public safety. The Home Secretary would also be empowered to give policy directions to the Board.

Criteria for Parole

The White Paper says that the decision on whether to grant parole should be based 'first and foremost on considerations of the risk of serious harm to the public and only then on the likely benefits to the public and the prisoner of a longer period under supervision'. Clear and published criteria for parole were required, linking the decision to release, arrangements for taking that decision, the conditions of the licence and supervision in the community. The decision to release on parole would be based on the answers to three questions:

1 Was the prisoner likely to commit further serious offences, while under supervision?

2 Would early release some time after half of the sentence instead of after two-thirds significantly increase the risk of serious harm to the public?

3 Was the prisoner willing to co-operate with the supervisor and is it likely that extended supervision in the community would reduce the risk of re-offending in the future?

When answering these questions the Parole Board would need to take account of the prisoner's offence and criminal history, his or her record in prison, his or her behaviour and response to training, any earlier responses to probation supervision, home circumstances and employment prospects, medical reports and any other available indicator of the likelihood of re-offending. These criteria, the Government believes, would be sufficiently stringent to replace the present restricted policy on parole for those sentenced to more than five years for an offence involving drug trafficking, sex, arson or violence; under the criteria, it would be unlikely for many offenders convicted of violent crime to be released on parole.

The parole decision-taking process, the Government agrees, should be made more open, with the prisoner able to present his or her case orally. Local parole assessors, who would be formally appointed agents of the Parole Board, would assess the reports and the oral and written representations made by the prisoner and report to the Board. The assessor would see the prisoner, hear and record any further points he or she wished to make to the Board, probe any points of doubt or difficulty and check the completeness of the parole dossiers forwarded by the prison to the Board. Hearings would not be adversarial and no lawyers or other advisers would attend. There would not be formal appeals against a Board decision, but the prisoner would be able to complain to the Board's chairman on procedural grounds.

The Local Review Committees, which give initial consideration to parole cases, would be abolished in view of the substantial reduction expected in the workload of the Parole Board once it no longer becomes involved in decisions to release prisoners serving less than four years.

Supervision in the Community

Noting that the proposals on community penalties and parole depend on the effective supervision of offenders in the community, the White Paper proposes that national standards should be introduced for key aspects of supervision and service to the courts. These would be drawn up in consultation with judges, magistrates and the probation service. The aims of supervision are to protect the public, prevent re-offending and re-integrate the offender in the community. National standards for probation centres would be based on existing good practice, and each centre programme would deal with such questions as tackling and confronting violent behaviour, employment and training, addictions and learning to make more constructive use of leisure time. Standards would also be set for parole supervision, which would deal with pre-release assessment, preparation of the release plan, first interview by the supervising officer, frequency of contact thereafter, home visits, the content of supervision and breach of licence.

Role of the Probation Service

The White Paper points out that the probation service carries the primary responsibility for punishment in the community and states that the service should strengthen its links with other services and voluntary bodies. Guidance on this would be issued by the Government. Since there has been no major review of the organisation, constitutional position and financing of the probation service since 1962, the White Paper says that these issues are to be examined in a consultative Green Paper.

Young Offenders

Turning to the question of young offenders, the White Paper emphasises the need for parents to help their children develop as responsible law-abiding citizens. When young people offend, it says, the law has a part to play in reminding parents of their responsibilities. The Government believes that there should be separate arrangements for three age groups – those aged under 10; those aged 10 to 15; and those aged 16 and 17. At the age of 18 young people reach the age of majority.

Children under 10

Under the present law the age of criminal responsibility, below which no child may be prosecuted, is 10 years and this will remain the case. In the Government's view the responsibility must be placed on parents to help keep such children out of trouble and to deal with the consequences if they get into trouble with the law. Children beyond the control of their parents may be placed in care or under the supervision of the local government social services authority. Parents are liable, under the civil law, where they contribute to the child's action by their negligence.

Young People aged 10 to 15

From the age of 10 young people may be brought before the criminal courts. Parents can be required to attend when their children appear in a juvenile court charged with criminal offences; the new legislation will make it a requirement for courts to order parents to attend unless it would be unreasonable to do so.

When young people are convicted of a criminal offence and a fine is imposed or an order for compensation, the courts have to order the parents to pay unless it would be unreasonable to do so. In 1988 the courts ordered parents to pay in only 13 per cent of cases involving fines and 21 per cent of cases involving compensation orders. The White Paper considers that the imposition on the parents of a formal requirement to pay 'brings home to them the reality of the consequences of their children's behaviour and the implications for their own actions. To strengthen the impact of the order, the legislation will put beyond doubt that, in deciding upon the level of the payment to be made, courts must take account of the parents' means and not just the means of the children'.

The legislation will also enable courts to require the local authority to pay any compensation and fines when a juvenile in its care is convicted of an offence and the court is satisfied that the offence followed a failure by the local authority to carry out its duties; in assessing the amount of compensation or a fine, the court would not be bound by the juvenile's means.

The Government believes that more use could be made of the courts' present power to order the parents of juveniles convicted of criminal offences 'to enter into a recognisance' of up to £1,000 to take proper care of them and exercise proper control over them. The parents have to consent to being 'bound over'; if they fail to meet these terms, the sum may be forfeited. At present, the power may not be used when supervision orders or most other orders are imposed on juvenile offenders. Courts would, therefore, be required to consider binding over the parents of juveniles convicted of criminal offences in every case unless it would be unreasonable to expect the parents to exercise the required degree of supervision and control. The courts would also be empowered to fine parents who refuse to be bound over in circumstances where the court considers the refusal to be ill founded or unreasonable.

Courts would also be encouraged to make greater use of their existing power to attach a night restriction or curfew to supervision orders imposed on juvenile offenders.

Young People aged 16 and 17

Major changes in arrangements for dealing with young offenders aged 16 and 17 are proposed. At present, 16-year-olds are regarded as juveniles and normally dealt with in the juvenile court while offenders aged 17 appear in the adult courts. The White Paper says that in future both should appear in the juvenile court, which would be renamed the youth court and which, once the Children Act 1989 (see pp 207-10, 1989) is implemented, would no longer hear care cases.

The maximum length of a community service order for 16-year-olds would be extended from 120 hours to 240 hours, thereby bringing this into line with the sentence given to 17-year-olds. Both groups would be eligible for the new combined probation and community service order.

The White Paper says that courts should not be required to involve parents when dealing with offenders of this age if the offender lives away from home. They would, however, have the power to do so if they considered it to be necessary. If the young person was still living at home and still in full-time education, the parents would have to be involved, as they would be in the case of younger juveniles. Where the young people themselves paid financial penalties, the courts would assess their means and not those of the parents.

Remands

On the question of remand when awaiting trial, the Government believes that those under 17 who are refused release on bail should be remanded in the charge of the local authority social services department, which would be responsible for supervision, for complying with any conditions set out by the court and for ensuring that the remanded person appeared in the court. The test for a remand in custody would be more closely related to the need to protect the public from the risk of serious harm or from repeated alleged offending; custodial remands would be available for 15- and 16-year-old boys only when this new test was met.

Custody

The Criminal Justice Act 1988 simplified the custodial sentencing arrangements for young offenders by replacing the detention centre order and the youth custody sentence by the sentence of detention in a young offender institution. This sentence is available for boys from the age of 14 and girls from the age of 15. For 14-year-old boys the maximum sentence is four months and for all other juvenile offenders under 17 it is 12 months. Longer sentences are available for those convicted of offences such as murder or manslaughter and, from the age of 14, for those convicted of other offences carrying a maximum penalty of 14 years' or more imprisonment for an adult. Since 1981 the number of juveniles under 17 given custodial sentences has fallen by more than 50 per cent.

The Government suggests that the sentence of detention in a young offender institution should be dropped for 15-, 16- and 17-year-old girls but that it should remain for boys between 14 and 17. Custo-

dial sentencing arrangements for 17-year-olds would be the same as those for 15- and 16-year-olds. Detention in a young offender institution would be available for periods of up to 12 months for those convicted of imprisonable offences. Custodial sentences of up to the maximum penalty for an adult would be available for offenders under 18, under section 53 of the Children and Young Persons Act 1933, if they have committed very serious offences from which the public needs protection.

Shorter Note

CRIMINAL INJURIES

The British Government has announced that it will shortly ratify the European Convention on the Compensation of Victims of Violent Crime.

Britain signed the Convention in November 1983 and it came into effect in Denmark, Luxembourg and the Netherlands in February 1988 following ratification by these countries; it has also been ratified by Sweden. Other signatory states are France, the Federal Republic of Germany, Greece, Norway and Turkey.

Once the Convention takes effect in Britain, British citizens criminally injured in European countries which have ratified the Convention will be able to claim compensation from those countries; relatives of those fatally injured will also be able to claim. Compensation must at least cover loss of earnings and medical expenses and, in fatal cases, the funeral expenses and any loss of financial support suffered by dependants.

Under the Criminal Injuries Compensation Scheme introduced in Great Britain in 1964 and similar statutory arrangements in Northern Ireland, more generous arrangements already apply. Provision is made for all foreign nationals to claim compensation for criminal acts perpetrated on them in Britain. Compensation is also available for pain and suffering, bereavement and loss of earning capacity. A right of review is available in all disputed cases. The recent amendment of the Great Britain Scheme (see p 8) enables Britain to ratify the Convention without reservation.

Announcing Britain's decision, the Home Secretary, Mr David Waddington, said: 'It is of the first importance that victims of violent crime should receive just payment for personal injury and that those sadly bereaved by savage and terrible crimes are helped in every way possible at a time of irreplaceable loss. We will continue to work with our European colleagues to urge all the signatory countries to ratify the Convention . . .'

Source: Home Office news release, 11.1.90.

German Unity and Political Change in Europe

Britain, France, the Soviet Union and the United States agreed on 13 February to meet the Federal Republic of Germany and the German Democratic Republic to discuss the security aspects of German unification. Earlier, Britain's views on German unification and the role of the European Community and the North Atlantic Alliance in the West's response to the developments in Eastern Europe were outlined by the Foreign and Commonwealth Secretary, Mr Douglas Hurd, in speeches made in January and February.

German Unification and European Security

At the meeting of NATO and Warsaw Pact foreign ministers in Ottawa on 12 and 13 February to examine the 'open skies' proposal (see pp 11-12) the four war-time allied powers (Britain, France, the Soviet Union and the United States) agreed that they would meet with the Federal Republic of Germany and the German Democratic Republic to discuss 'external aspects of the establishment of German unity, including the issues of security of the neighbouring states'. Preliminary official talks, it was stated, would begin shortly.

At a press conference in Ottawa on 13 February Mr Hurd referred to the political relationship of a united Germany with the North Atlantic Treaty Organisation (NATO) and the Warsaw Pact. The British position, he said, was that a united Germany had to be a member of NATO, but that arrangements had also to be made to reconcile that relationship with 'the legitimate security interests of the Soviet Union and Poland', including the restrictions on the deployment of NATO troops in East Germany. In addition, there had to be 'a clear and binding commitment to respect the present borders of Poland' [that is, the line of the Order and Neisse rivers, established originally in 1945 to separate the Soviet zone of Germany from the other regions of Germany under Polish administration].

Foreign and Commonwealth Secretary's Speeches

Speaking in Bonn in the Federal Republic of Germany on 6 February, Mr Hurd said that, although Europe was no longer massively threatened by the Warsaw Pact, its future remained unsettled; because of this, 'it would be clearly foolish to suppose that our defence and security problems have in some way been solved overnight and that we need no longer think seriously about them. All history warns us against such empty optimism.' The European Community and NATO had to undertake a rapid and rigorous review to establish which policies they needed to retain and to identify those policies that should be changed.

The European Community

It would be sensible for the European Community, Mr Hurd said, 'to think in terms of keeping steady its present basic institutions and broadly the present membership, at least for the next three years'. Community members already had a massive workload in completing the Single European Act (see pp 49 and 408-9, 1989) without adding the complication of a further major round of accession negotiations. Member states had to create the right framework for their relationships with the newly democratic countries of Eastern Europe, and Britain believed that this would best be done on the basis of individually tailored association agreements, flexibly drafted so that their content could steadily increase as the East European country concerned travelled further towards a market economy.[1]

The Community also had to continue and intensify the discussion about the best route towards economic and monetary union (see p 271, 1989). Britain supported wholeheartedly the drive for a single European market because by 1992 the Community would be 'putting into practice the basic liberal principles of freedom for individuals and for enterprise'.

NATO

One of the causes of the improvement in East-West relations was the success of NATO. The Alliance's main attributes were its present membership, the United States' strategic commitment, the presence of significant US, Canadian and British forces on the continent, a sensible mix of nuclear and conventional forces, and an integrated command.[2] If the NATO members abandoned any of these characteristics, Mr Hurd stressed, 'we would be putting at risk the character of an institution which can be as valuable in the future as in the past, because ... NATO continues to offer us the promise of stability in a world which will remain turbulent to the east and to

[1] In January and February the European Community approved a European Commission plan to offer new association agreements to all Eastern European countries (except the Soviet Union) to reinforce stability and to encourage new forms of co-operation with the Community.

[2] For further information see COI reference paper *Britain and NATO*, No 58/89.

the south of our part of Europe'. Europe needed more not less security. As well as its defence role, NATO would continue to provide a unique institutional forum for transatlantic political co-operation and consultation, offering its European members 'the guarantee that its members will not in future revert to conflicting, and therefore self-defeating, national policies in the fields of defence and foreign policy'.

There were other matters which could by agreement be adapted to new circumstances, and these meant more co-ordination and a greater share of responsibility by the Europeans. Referring to a concept advanced by the US Secretary of State, Mr James Baker, in December 1989 for a more political role to be played by NATO, Mr Hurd agreed that this idea could be easily reconciled with the growing importance of the political co-operation within the Community. NATO was the natural forum for the elaboration by the West of its stance in future arms control negotiations and for the dealing with issues of verification and general military security.

Other European Organisations

There were other European organisations whose importance was growing. The Council of Europe would have a significant role to play and its central feature – the European Declaration of Human Rights – provided 'objective standards of behaviour to which countries of East Europe can aspire' (see p 454, 1989). It would also be sensible to work towards a steady strengthening of the procedures and institutions of the Conference on Security and Co-operation in Europe (CSCE – see pp 43-7, 1989), and to regard it 'as the principal motorway which will carry much of the traffic of East-West relations'.

German Unification

Britain had accepted, and indeed advocated, the right of self-determination by the German people for many years, Mr Hurd said, and it would be inconceivable that, of all the people in Europe, only the German people should be denied that right. 'That is our commitment and that is our conviction because we see the background and amazing success of the Federal Republic of Germany not just in developing its economy ... but in founding and maintaining the institutions of a stable democracy.'

The Federal Republic of Germany's success had acted as a stimulus to unification which, if it were to come, should do so by an act of real determination. In this context, Mr Hurd quoted the conclusion of the European Council in December 1989 (see pp 454-5, 1989): 'we seek the strengthening of the state of peace in Europe in which the German people will regain its unity through free self-determination. This process should take place peacefully and democratically, in full respect of the relevant agreements and treaties and of all the principles defined by the Helsinki Final Act, in context of dialogue and East-West co-operation. It also has to be placed in the perspective of European integration.'

German membership of NATO, said Mr Hurd, would continue to be a crucial element in European security. Some means of reconciling this with the persisting anxieties of the Soviet Union (about the eastern borders of Germany, in particular) had to be found, however unrealistic these anxieties seemed to be in view of the proven record of NATO as a defence alliance and of the democratic record of the Federal Republic of Germany.

While the friends and allies of Germany would not wish to obstruct the process of reunification, equally it would not be in the interests of the German people 'to achieve unification in circumstances which aroused anxieties or set nerves jangling throughout Europe'. Mr Hurd said that he could envisage that, 'at the end of an orderly transition, German unity and a new stable architecture in Europe could be completed together'.

Political Developments in East Germany

Speaking in East Berlin on 22 January during a visit to the German Democratic Republic (GDR) from 22 to 24 January, the Foreign and Commonwealth Secretary said that people in East Germany and in other countries in Eastern Europe had asserted their right to dissolve and elect their own governments.[1] However, it was not enough simply to assert a principle of free elections or even to fix a date, as there had to be public confidence in the integrity of the whole process, with rules of fair and open administration of the elections, equity in the opportunities open to the political parties, and access to press, radio and television. The successful holding of free elections was a crucial pre-condition of the choices and prospects which lay before East Germans. 'Together with the undertaking ... that the GDR will fully implement all its CSCE commitments, in both internal and external affairs, this question of progress towards democracy is central to the future of our bilateral relations, to the wider prospects ... for a better Europe.'

British-East German Economic Relations

On the more practical relationship between Britain and the GDR, Mr Hurd said that British businessmen, scientists, students, and artists wanted to work more closely with their GDR colleagues. Up to now, he said, the results had not done justice to the potential, with trade, for example, amounting to only £270 million a year. The forthcoming visits of the deputy East German trade minister to London (in February) and of Lord Trefgarne, Minister of Trade, to Leipzig (in March) would give a new impetus to trade relations between the two countries.

Britain looked forward to the introduction of a market-based economy in the GDR, which was 'the essential companion of freedom and condition of prosperity', and to discussions with the East German Government regarding possible changes that would ease mutual relations in a number of practical areas. These included:

1 legislation on inward investment and property rights, which would enable British industrialists to work more closely in joint ventures in manufacturing and in services;

2 the signing of an investment promotion and protection agreement;

3 arrangements to ease travel;

4 an increase in scientific and cultural exchanges;

5 the signing of a cultural agreement;

[1] Free elections in the GDR are to be held on 18 March.

6 help in English-language teaching (Mr Hurd announced that 31 British polytechnics had agreed to participate in a scheme jointly funded by the British Government to provide scholarships to young East German people);[1] and

7 the use of Britain's 'know how' funds (see p 13), an extension of which was announced by Mr Hurd to cover East Germany and other countries in Eastern Europe as they committed themselves to political and economic reforms.[2]

Mr Hurd pointed out that the contents of Britain's links in all these areas had to be determined by people and businesses, not by governments. At the moment, there were questions that had to be asked – whether the reforms in East Germany were irreversible and whether it was wise to invest there when so many East Germans (including many with skills) continued to leave.[3] If British-East German relations were to realise their full potential, it was important that the British Government should be able to convince its people of the affirmative answers to these questions; the East German authorities also had to persuade their people to stay behind and work for a better future in the GDR.

European Community: Economic and Monetary Integration

An evolutionary and market-orientated approach to economic and monetary integration in the European Community was advocated by the Governor of the Bank of England, Mr Robin Leigh-Pemberton, in a speech in Bonn on 16 January. He also reiterated Britain's commitment to eventual membership of the exchange rate mechanism of the European Monetary System.

The Governor began by saying that he had no reservations about the desirability of increased economic and monetary integration or, eventually, union. He also recognised the symbolic significance of the single European market (see p 49, 1989) and the adoption of monetary union as a goal. He added that it was important to work with the grain of the market and that a pragmatic approach – one of learning by doing – would be sounder and safer than a rigid one.

Mr Leigh-Pemberton stressed that the evolutionary approach was not a formula for obstructive delay: Britain's record in implementing directives in the single market programme was evidence of this and stood comparison with that of any other member state. This was no surprise: through its aim of creating a European Community-wide free market in goods and services, capital and labour, the single market project shared the liberal, market-orientated bias that had been the basis of the British Government's domestic policies over the last decade. Britain was accordingly committed to pressing ahead with the single market programme in order to enlarge the scope for market forces to operate within the Community, which was the surest way of integrating the Community economies.

Exchange Rate Mechanism

The Governor went on to consider what a commitment to exchange rate stability through membership of the exchange rate mechanism (ERM) of the European Monetary System could bring about in terms of domestic price stability, which was 'the overriding concern of national monetary authorities'. The ERM could be seen as a means through which the Federal Republic of Germany's central bank, the Bundesbank, provided an anchor against inflation, with other member countries pursuing price stability by maintaining a stable exchange rate against the Deutschemark. This strategy was not without risk. By pegging their currencies to the Deutschemark, other – more inflationary – economies were initially likely to lose competitiveness against the Federal Republic; this would tend to have a disinflationary impact on partner countries as their trade balances and levels of economic activity declined, with a moderating effect on prices and wages. This was seen by many as the essential nature of the discipline provided by the ERM. In the Federal Republic there would be an opposite – expansionary or inflationary – effect. The outcome in terms of inflation in the Community as a whole was uncertain; it depended on the relative sizes of the economies concerned, on the relative responses of prices and wages in the relevant economies and on the respective policy responses.

Britain believed that, when the circumstances were right, ERM membership would bring considerable benefits and strengthen the Government's counter-inflation strategy. However, it was unlikely that membership in Britain's present position would be helpful. There was, at the moment, excessive domestic demand, which was in the process of being corrected. Entry before that process was closer to completion, and before Britain's rate of inflation was nearer to those in other member countries, would place additional stresses on both the British economy and the ERM itself. Mr Leigh-Pemberton added that it was not possible to predict when the circumstances for entry would be right. Account would be taken of all the relevant factors, including, primarily, the rate of inflation and also its trend.

Need for Caution

Another reason in favour of a cautious approach to monetary union centred on labour mobility. With exchange rate realignments ruled out, a lack of labour mobility allied to downward rigidity of wages would mean that any loss of competitiveness would tend to lead to unemployment. The Governor therefore felt that, as a last resort for easing the costs of

[1] Available initially from 1990, these awards are for one-year courses, mainly at the post-graduate level. The Foreign and Commonwealth Office's contribution – £175,000 – is in addition to some £750,000 provided by Britain for scholarships and awards for students from Eastern Europe and the Soviet Union in 1990-91.

[2] On 5 February European Community foreign ministers agreed to extend their aid, now being given to Hungary and Poland, to other Eastern European countries (Bulgaria, Czechoslovakia, East Germany, Romania and Yugoslavia) provided that they continue to show their commitment to political reform (including the holding of free elections) and economic liberalisation leading to the establishment of market economies.

[3] Some 350,000 people left in 1989 and a further 60,000 have departed since the beginning of January (see also pp 375-6, 1989).

adjustment, the option of realignment should be preserved and that exchange rates should not be locked irrevocably until member economies were much more homogeneous.

Britain's approach to the economic future of the Community was founded on a belief in the primacy of market forces as a mechanism for the satisfaction of material needs as well as an outlet for individual freedom. This was why Britain so strongly supported the creation of the internal market. This belief was shared throughout the Community and, increasingly, the rest of the world.

Summarising, the Governor expressed his feeling that the Community should work gradually towards greater monetary integration and should keep an open mind regarding the form this might finally take. More specifically, there should be no rush to create new central monetary institutions but rather a movement towards the shared goal through a common commitment to price stability – both as an end in itself and as the means of achieving exchange rate stability. Those who were impatient for economic and monetary union should concentrate on promoting the economic and social conditions that had to exist if union was to enhance welfare. 'This is not a recipe for procrastination but for prudent advance. Due caution is an essential element of the vision of progressive monetary and economic integration.'

South Africa

Britain has welcomed the release of Mr Nelson Mandela from prison and the decision of the South African Government to lift the ban on the African National Congress and other political organisations.

Background

On 6 September 1989, some 70 per cent of the white electorate in South Africa voted for parties committed to changes in the apartheid system. Since then, the South African State President, Mr F. W. de Klerk, has taken a number of measures to ease controls over political activity by black organisations. On 12 September it was announced that the South African Government would allow mass peaceful protest against apartheid, previously impossible under the state of emergency (see p 215, 1986). On 15 October Mr Walter Sisulu and six other former leaders of the African National Congress (ANC) – sentenced to life imprisonment at the 1964 Rivonia trial – were freed. Mr Nelson Mandela – also sentenced to life imprisonment at the 1964 trial – remained in custody although he was allowed to meet government ministers and representatives of other political organisations. At the end of October an officially approved rally organised by the ANC took place, the first such event for 30 years.

Various reforms were also made to the apartheid system. In November, beach apartheid, for instance, was abolished and the Government also announced that the Separate Amenities Act, which permits segregation of other facilities, would be repealed.

In October 1989 Mr de Klerk told the Transvaal congress of the ruling National Party that he would like to see the political participation of all relevant groups provided that they were committed to peaceful solutions.

South African Government Statement

Addressing the South African Parliament on 2 February, Mr de Klerk said that his government would give the highest priority to negotiation, with a view to achieving a new and just constitutional dispensation in which all South Africans would enjoy equal rights, treatment and opportunity in every sphere of endeavour, whether constitutional, social or economic.

Mr de Klerk announced that the bans on the African National Congress, the Pan Africanist Congress, the South African Communist Party and a number of subsidiary organisations were being lifted. Prisoners serving sentences for membership of these organisations would be released. This would, however, not apply to those sentenced for offences such as terrorism, murder or arson. In addition, the leader of the African National Congress, Mr Nelson Mandela, would be released unconditionally and a decision would shortly be taken about the date of release (see below).

The State President said that in future the period of detention under current emergency regulations would be limited to six months, and detainees would be given the right to legal representation and a medical practitioner of their own choosing. The restrictions imposed by emergency regulations on 33 organisations would also be lifted, as would certain conditions which had been imposed on 374 people following their release from custody. Media emergency regulations were also being abolished. Mr de Klerk added that it was his intention to terminate the state of emergency as soon as circumstances justified it.

ANC Response

In a statement issued in Stockholm on 2 February, the ANC said that Mr de Klerk's announcement had gone a long way towards creating a climate conducive to negotiations and it welcomed the lifting of the ban on itself and other organisations. The ANC described other measures announced by Mr de Klerk as positive, but expressed concern about the failure to lift the state of emergency in its entirety, the decision not to release all political prisoners and the fact that the practice of detention without trial would continue. The statement urged the immediate release of Mr Mandela. The ANC remained committed to doing everything in its power to end the apartheid system as quickly as possible and by all means, including negotiations.

Release of Mr Mandela

On 11 February Mr Mandela was released and addressed a rally in Capetown. He said that the majority of South Africans, black and white, recognised that apartheid had no future. It had to be ended by decisive mass action in order to build peace and security and establish democracy. The ANC's resort

to the armed struggle in 1960 had been a purely defensive action against the violence of apartheid. The factor necessitating this struggle still existed today and the ANC had no option but to continue it. Mr Mandela expressed the hope that a climate conducive to a negotiated settlement would soon be created so that there might no longer be the need for the armed struggle. Before negotiations could begin, the state of emergency had to be ended immediately and all political prisoners freed. The future of South Africa could only be determined by a body democratically elected on a non-racial basis. Mr Mandela called on the international community to continue sanctions against South Africa on the grounds that their lifting would run the risk of aborting the process towards the complete eradication of apartheid.

British Reaction

In a statement issued on 2 February the British Government warmly welcomed the decision to release Mr Mandela, describing it as 'an historic landmark on the road to a new South Africa'. Mr Mandela would have a major role to play in shaping his country's future, and his release would give 'an opportunity for all parties in South Africa to make progress towards a peaceful solution through negotiations on a constitution fair to the whole population'.

Noting that the South African Government had taken major steps to open the way to negotiations in accordance with the negotiating concept proposed by the Commonwealth Eminent Persons' Group in 1986 (see p 189,1986), the British statement looked to the ANC and other groups to respond 'positively and peacefully to the offer now being made to join in negotiations to work out a new constitution for South Africa'.

The changes now taking place in South Africa vindicated a policy of contact rather than isolation. The statement continued: 'We do not see that cultural, scientific or academic boycotts make sense or contribute to the weakening of apartheid. In future we shall not discourage artists, scientists and academics from going to South Africa or from joining in meetings with South Africans. We hope that individuals will take advantage of such opportunities to promote dialogue among South Africans. We shall consider further positive steps as soon as Mr Mandela is released.'

The Prime Minister, Mrs Margaret Thatcher, concluded the statement, looked forward to having an early opportunity of discussing these encouraging developments with both President de Klerk and Mr Mandela. Mr de Klerk had been invited to an early meeting in Britain and a similar invitation would be issued to Mr Mandela when he was free.

Foreign and Commonwealth Secretary's Statements

Giving an interview to the South African Broadcasting Corporation on 2 February, the Foreign and Commonwealth Secretary, Mr Douglas Hurd, said that apartheid had not been ended but that the beginning made by Mr de Klerk deserved an encouraging response from the ANC. The decision to release Mr Mandela was a big step forward and the British Government hoped that he would soon be free and in a position to take part in the dialogue that was needed. The Prime Minister wanted to go to South Africa and she would choose the right time and the right message to give. Mr Hurd added that he, too, would like to visit before long if the South African Government would welcome this.

Mr Hurd said that he would also be glad to see Mr Sisulu if he were to come to London. The Government had official contacts with the ANC and it wanted the organisation to move absolutely away from violence. He added: 'We think that the steps today give them a good, valid reason, a more convincing reason perhaps than hitherto, to take that step, to reply to President de Klerk in the language of his own message, which is one of conciliation. They do not have to accept that everything they want has been done. Of course it has not. We agree with them on that, there is more, but that "more" will need to come as a result of dialogue and they should take part in that.'

On 7 February (*Hansard*, Vol 166, No 46, cols 871-6), Mr Hurd told the House of Commons that the prospects now opening up for South Africa were justification for the British Government's policy of combined encouragement and persuasive pressure (see pp 215-19, 1986, and pp 103-5, 1988). It was now logical that, in the new climate created by the decision to release Mr Mandela, Britain should discuss with its European Community partners the possibility of lifting the voluntary ban on new investment in South Africa. (A meeting of Community foreign ministers will be held on 20 February to consider this issue.)

On 12 February Mr William Waldegrave, a Minister of State at the Foreign and Commonwealth Office, told the House of Commons (*Hansard*, Vol 167, No 49, cols 21-7) that the British Government warmly welcomed the release of Mr Mandela, who symbolised 'the aspirations of millions of South Africans for a non-racial democratic South Africa'. He concluded: 'It is vital to send a signal to the white community that President de Klerk's steps will find a response from the international community. That is why the British Government believes that it makes sense to stop discouraging investment and tourism in South Africa.'

Hong Kong

Britain's commitment to support Hong Kong in the changes leading to its transition in 1997 to a Special Administrative Region of the People's Republic of China was reaffirmed in a speech by the Foreign and Commonwealth Secretary, Mr Douglas Hurd, during a visit to Hong Kong in January. Also in January, Britain attended a meeting in Geneva to discuss the repatriation of Vietnamese boat people from Hong Kong.

Future of Hong Kong

In a speech on 15 January Mr Hurd said that Britain had no intention of being negative or defensive about its policy on Hong Kong. Britain had to do what it could to ensure that the final chapter in its long administration was an honourable one, and one that ended successfully for the Hong Kong people. The set of problems regarding Hong Kong was unique in that the basis for the future was not independence but a far-sighted concept of one country/two systems.[1] With no convenient precedents, there were bound to be problems and setbacks, but there was 'no alternative to making a success of this particular enterprise'.

The British Government would not sit back and let the clock tick quietly onwards towards 1997. The choices and decisions which Britain and the Hong Kong Government had to take from time to time would be hard, but 'we will take those difficult decisions when they are necessary'.

The Joint Declaration

The framework would be the Joint Declaration (signed by Britain and China in 1984 – see pp 368-74, 1984), which was the best deal that could be secured for Hong Kong and which required continuous discussions on equal terms with the Chinese Government. The agreement, however, did not mark the end of the problems. The Joint Declaration had to be turned into reality, and that meant 'working on matters of meticulous, sometimes technical detail. It means conducting ... a tenacious, consistent dialogue with the Chinese authorities, a dialogue which is neither hostile nor subservient, a dialogue which aims at the long view rather than the quick trick and which always seeks to judge and serve the best interests of Hong Kong.' Britain was committed to that task, Mr Hurd reaffirmed.

Relations with China

Britain welcomed the fact that the Chinese leadership had confirmed its commitment to the Joint Declaration. Although relations with China were going through a difficult period (see pp 232–4 and 267–8, 1989), Mr Hurd emphasised that Britain needed and wanted to rebuild its relations with that country. Hong Kong also needed a good relationship with China, not only because of its future as a Special Administrative Region there but because China was increasingly important as a valuable backup to Hong Kong's own manufacturing industry.

Confidence in Hong Kong

It was clear that Hong Kong had a key role to play as an economic bridge between China and the rest of the world. Since the Joint Declaration and the work of the Joint Liaison Group (see p 269, 1989) could not by themselves maintain confidence in Hong Kong, the British Government had announced (see pp 15–16) a package of measures to encourage key people in all professions to remain in the territory.[1] This scheme was devised to tackle as fairly and effectively as possible the problems which existed regarding the emigration of talented people from Hong Kong. It was a scheme in which Britain had 'to balance [its] wish to be as generous as possible against [its] ability to accept people for settlement in Britain should that ever be necessary'. Mr Hurd said that he believed and hoped that since that announcement 'this reality and the reality of this balance' were well understood in Hong Kong. The British Government wanted people to continue to contribute to the dynamism and prosperity of the territory, and it had judged that only the guarantee of full British citizenship would facilitate this and, at the same time, meet Britain's obligation under the Joint Declaration to maintain Hong Kong's stability and prosperity.

Democracy in Hong Kong

On the drafting of the Basic Law (see pp 265–7, 1988), Mr Hurd said that, although the law would be a Chinese law, it did not prevent Britain taking every suitable opportunity to get its views across. The key section – the chapter on the future political structure – would have a crucial effect on what Hong Kong people felt about the Basic Law as a whole, and it was encouraging that, while a consensus and compromise on this was being sought, a number of constructive proposals had been offered from the Hong Kong community. The British Government would take account of the way in which opinion in Hong Kong had evolved in recent months and make sure that its decisions matched what Hong Kong itself was hoping for and aspiring to.

In 1991, Mr Hurd continued, Hong Kong would take a first step towards a directly elected democracy (see pp 269–70, 1989). If possible, the system which would be established before 1997 should be part of a process which would continue in the years thereafter. Britain wanted to start a process of democracy in Hong Kong which would attract sensible people of goodwill to play a full role in political life, and that was most likely to be achieved if these people could see that that role would continue and develop after 1997.

Hong Kong's Economic Importance

Hong Kong was the eleventh largest trading entity in the world and was a market in its own right and not just a gateway to China. Hong Kong bought more goods per head from Britain than from the rest of the European Community put together. The British Government wanted to encourage British companies to play the fullest possible part in Hong Kong's future, and was determined to build up a greater share of this important market. As these interests would continue well beyond 1997, Britain was working on plans to build up and establish a substantial representation in the territory after that date.

[1]For further information see COI reference paper *Hong Kong*, No 80/87.

[1]On 8 February a Chinese foreign ministry spokesman noted China's 'principled position' on Britain's 'erroneous practice' in changing the nationality of some Hong Kong residents, and expressed the hope that other countries would 'act with prudence and refrain from doing anything that will jeopardise the prosperity and stability of Hong Kong, damage the bilateral relations and hurt the national feelings of the Chinese people'.

Vietnamese Boat People

Mr Hurd also referred to Britain's decision to authorise the Hong Kong authorities to proceed with the first mandatory repatriation of Vietnamese boat people who were not refugees (see pp 17–18).[1] Hong Kong, he said, could not be expected to cope indefinitely with an endless stream of immigrants from Vietnam, most of whom had no prospect of ever finding resettlement in the West. Effective ways of deterring a futile exodus and of emptying the refugee camps as quickly as possible had to be found. Hong Kong had shouldered the burden of the refugees for too long, and Mr Hurd looked for greater and more practical understanding of this truth from the international community when this question was discussed at the meeting of the Steering Committee in Geneva.

Geneva Steering Committee

The Steering Committee of the International Conference on Indo-Chinese Migrants (see pp 256–7 and 456–7, 1989) met on 23 and 24 January, but failed to reach an agreement because of the objections of the United States and Vietnam.

At the end of the meeting, a British statement said that the meeting had come close to full agreement. The participating countries, except the United States and Vietnam, had agreed on a number of steps to deal with the boat people, including an agreement that mandatory repatriation of non-refugees would begin on 1 July 1990 with full international monitoring under the United Nations High Commissioner for Refugees. They had also agreed an arrangement whereby any country of first asylum could call an emergency meeting of the Steering Committee with a view to agreeing further measures, such as accelerated screening and repatriation, if, in the meantime, the influx of migrants should prove unmanageable.

The United States, which earlier had opposed mandatory repatriation altogether, objected only to the date of 1 July 1990 for the start of repatriation, preferring the later date of 1 January 1991. During their consultations with the UN High Commissioner for Refugees, the statement concluded, Britain hoped that the US administration and Vietnam would review their position and agree 'not to block what would otherwise be a full consensus'.

Cambodia

Britain and the other permanent members of the United Nations Security Council have endorsed the idea of an increased United Nations role in the resolution of the problem of Cambodia.

On 15 and 16 January representatives of the five permanent members – Britain, France, the People's Republic of China, the Soviet Union and the United States – met in Paris to consider an Australian proposal for a United Nations interim authority in Cambodia. The meeting endorsed the idea of an enhanced United Nations role and agreed a set of principles designed to form the basis for further discussions among the five and regional parties.

Details of these principles were made public on 16 January. They state that no acceptable solution can be achieved through force of arms and that an enduring peace can only be established by a comprehensive political settlement involving the verified withdrawal of foreign forces, a ceasefire and the cessation of outside military assistance. The goal was self-determination for the Cambodian people through free, fair and democratic elections.

Noting that the complete withdrawal of foreign forces had to be verified by the United Nations, the five states said that they would welcome an early resumption of a constructive dialogue among the Cambodian factions, which should not be dominated by any one of them.

The five agreed that an effective United Nations presence would be required to ensure internal security during a transition period which would culminate in the inauguration of a democratically elected government. Free and fair elections would need to be conducted in a neutral political environment and under direct UN administration, with all Cambodians enjoying the same rights, freedoms and opportunities to participate in the elections. A supreme national council, they suggested, could be the repository of Cambodian sovereignty during the transition period.

The five stressed their support for all responsible efforts by regional parties to achieve a comprehensive political settlement and agreed to remain in close contact with them with a view to reconvening the Paris Conference (see pp 344-5, 1989) at an appropriate time.

Background

Since the 1989 Paris Conference, which failed to agree on a political settlement for Cambodia because of the inability of the Cambodian factions to agree on a power-sharing arrangement pending elections, Vietnamese combat units have been withdrawn from Cambodia, though this has not yet been verified by the United Nations. Subsequently, fighting has taken place between the forces of the communist regime installed by Vietnam and the three resistance movements established along the Cambodia–Thailand border (see p 344, 1989). These movements, the strongest of which is the Khmer Rouge, joined together in 1982 to form the Coalition Government of Democratic Kampuchea, and it is this organisation which occupies Cambodia's seat at the United Nations.

The question of Cambodia was debated in the UN General Assembly in November 1989, Britain being one of the 79 co-sponsors of a draft resolution drafted by member states of the Association of South East Asian Nations (ASEAN).

The resolution, adopted with the support of 124 member states, stressed the need for the withdrawal of all foreign forces from Cambodia under United Nations supervision and control, the creation of an interim administering authority, the promotion of national reconciliation among all Cambodians under the leadership of Prince Sihanouk, and the rejec-

[1] A report by Mr Timothy Raison and Lord Ennals on the condition of the first 51 repatriated Vietnamese boat people concluded that they had not been ill-treated since their return to Vietnam.

tion of the universally condemned policies and practices of the recent past. It also emphasised the restoration and preservation of the independence, sovereignty, territorial integrity and neutral and non-aligned status of Cambodia and reaffirmed the right of the Cambodian people to determine their own destiny and the commitment by all states to non-interference and non-intervention in the internal affairs of Cambodia. These, it stated, were the principal components of any just, lasting and comprehensive political settlement of the Cambodian problem.

In a statement issued on 16 November, the British delegation to the United Nations said that the British Government strongly condemned the Khmer Rouge led by Pol Pot and that it had never given, and would never give, any support to that organisation. British co-sponsorship of the resolution did not in any way imply that Britain regarded the Coalition Government of Democratic Kampuchea as the rightful government of Cambodia. The statement added: 'The British Government wishes to see peace and stability restored to Cambodia through a comprehensive political settlement which will create the conditions in which the Cambodian people can elect a government of their choice, free from the fear of Khmer Rouge atrocities, foreign occupation or civil war. We must now seek to restore the momentum of diplomatic negotiations to achieve a settlement. We are ready to play our part, as a Permanent Member of the Security Council and a participant at the Paris Conference.'

Overseas Aid: Research on Renewable Natural Resources

Britain's Overseas Development Administration has announced its new strategy for promoting research into renewable natural resources in overseas development during the 1990s. This is the outcome of a two-year review of research priorities in the field.

The new research strategy is described in a 40-page booklet published by the Overseas Development Administration (ODA) in January.[1] The booklet sets out the priorities for ODA support for scientific and economic research into renewable natural resources that may meet the needs of developing countries, and outlines how the ODA plans to support this work.

The Importance of Research

Most of the world's poorest people rely heavily on the exploitation of renewable natural resources for their food, income and survival. In low-income countries sustainable economic development can only be achieved by increasing and sustaining the productivity of these resources through the development and adoption of environmentally sound technologies, the reduction of waste, and improved systems for managing resources. Population growth, urbanisation and the desire to improve living standards place additional demands on resources as a source of food, raw materials and energy.

Examples of the benefits that research and collaboration can provide in this area include: the breeding and dissemination of high-yielding, hardier and more disease-resistant varieties of food crops; improved techniques for the drying, transport and preservation of plant and animal products; the development of methods for removing and preventing fungal-produced toxins; and progress in energy efficiency. Britain has been involved in research in all these areas through its aid programme.

As well as producing new knowledge and technologies, research into renewable natural resources develops the capacity of individuals to do research and understand the environments in which they work, and it helps to develop institutional capacity and to forge links between workers in international research centres and those in developing and developed countries. This interaction is a vital element in the transfers of technology that will form the basis of sustainable development.

British Research into Renewable Natural Resources

Research in renewable natural resources covers a wide range of activities in agriculture, animal production, forestry, fisheries and the environment. The overall aim of research supported by the ODA is to promote the conservation and sustainable development of renewable natural resources. It ranges from primary research aimed at the generation of new knowledge, through strategic research aimed at converting new knowledge into new technologies, to the refining and adapting of technologies to meet the specific needs of communities and other groups in developing countries.

The programme comprises work done by international research bodies at British research institutes and with the national research systems in the developing countries themselves. The ODA's support for international and directly commissioned research is managed by its own Natural Resources and Environment Department (NRED), whereas most adaptive research is funded from the ODA's bilateral country programmes. All work is supported by the ODA's own specialist advisers. Britain spends about £30 million annually on its programme of research into renewable natural resources for developing countries.

The New Strategy

The strategy for the next decade sets long-, medium- and short-term objectives and priorities for ODA support for research; develops an integrated research framework between the various disciplines; integrates the work funded by the NRED and geographical programmes into one overall process; and ensures that research is undertaken in response to problems rather than as a function of existing research capacity. It is designed, wherever possible, to support and develop the institutional research capacity of the developing countries, and

[1] *A Strategy for Research on Renewable Natural Resources.* Available free from the Research Section (Room E346), Natural Resources and Environment Department, Overseas Development Administration, Eland House, Stag Place, London SW1E 5DH.

provides an organisational framework to improve co-operation and co-ordination between British institutions involved in research and to assist them in planning for the future.

The pattern of expenditure is to be adjusted under the new strategy to meet changing priorities. This will include greater emphasis on integrated pest management, and on adaptive research and technology transfer in post-harvest research; a reduction in the overall level of livestock research and a shift away from animal health towards nutrition, pasture management and husbandry, increased attention to forestry, root and tuber crops, fruit and vegetables; and greater emphasis on environmental considerations.

The new strategy will be carefully monitored to ensure that it remains useful and effective, and provides value for money. The dissemination of research results is also considered essential to the strategy's success.

Public Expenditure Plans

Details of government departments' spending plans for the next three years are set out in the public expenditure White Paper, published on 30 January. This year's White Paper is the first to make use of the new definition of the planning total for expenditure.

The public expenditure White Paper is published this year in 18 separate booklets.[1] The main account of aggregate public spending in broad terms is given in the Autumn Statement.[2] The prime purpose of the White Paper is to set out the details of government departments' programmes.

The Government announced in 1988 (see p 274, 1988) that responsibility for the departmental chapters in the public expenditure White Paper would be transferred in 1991 from HM Treasury to the individual departments. It has now been decided that, at least for 1991, the departmental reports should continue to be published on a similar timetable to the present one. The analyses in the last chapter of the White Paper would be produced as a supplement to the Autumn Statement. A White Paper published in January[3] gave further details of future developments in financial reporting.

Measures of Public Expenditure

Public expenditure may be defined in a number of ways. The three main aggregates are general government expenditure, the planning total and Supply expenditure.

General Government Expenditure

General government expenditure is the spending of central and local government, excluding transfers between them such as central government grants to local authorities. It is the key public spending aggregate used in the medium-term financial strategy (see p 113, 1980), where public spending is set in the context of macroeconomic policy. It is more appropriate than the other measures for making international comparisons as it is usually less affected by institutional differences.

Planning Total

The planning total is used by the Government for the purposes of planning and control. The Government seeks to achieve its wider medium-term objective (expressed in terms of general government expenditure) by controlling spending within this total.

The 1989 Autumn Statement and the White Paper are the first publications to use the new definition of the planning total announced in 1988[4] (see pp 273-4, 1988). Whereas the previous definition included all local authorities' expenditure, the new one includes central government support for this spending but excludes expenditure that authorities finance themselves. The planning total now consists of: central government's own expenditure; most of the grants provided by central government to local authorities; credit approvals issued by central government authorising local authorities to incur capital expenditure financed by borrowing and other forms of credit; non-domestic rate payments; the financing requirements of public corporations; the reserve, which provides a margin for uncertainties and is intended to cover any additions to items within the planning total, whether these arise from policy changes, new initiatives, contingencies or revised estimates of demand-determined programmes, such as social security; and privatisation proceeds.

The new planning total is wider than general government expenditure in that it includes all external finance for most public corporations and not just the finance they receive from central or local government; it is narrower in excluding expenditure that local authorities finance themselves and debt interest.

The change in definition takes effect from 1 April 1990, coinciding with the reform of local government finance in England and Wales (see pp 17-18, 1988). A new system of local government finance was introduced in Scotland on 1 April 1989. The change in definition and the financial reforms were both intended to distinguish more clearly between the responsibilities of central and local government.

The planning total – as well as general government expenditure – is measured net of certain receipts. Most government receipts, such as taxes, National Insurance contributions, interest, dividends and trading surpluses are treated as revenue, but sales of fixed assets, the repayment of loans and certain fees and charges are treated as negative expenditure. Privatisation proceeds are also treated

[1] *The Government's Expenditure Plans 1990-91 to 1992-93.* HM Treasury (see p 92).

[2] See article on pp 465-8, 1989, later reproduced as COI reference paper *Britain's Economy: the Autumn Statement,* No 253/89.

[3] *Financial Reporting to Parliament.* Cm 918. HMSO, £1·70. ISBN 0 10 109182 6.

[1] *A New Public Expenditure Planning Total.* HM Treasury. Cm 441. HMSO, £2·80. ISBN 0 10 104412 7.

as negative expenditure although they appear as a separate item rather than as a reduction in individual programmes.

Supply Expenditure

Supply expenditure is financed out of money voted by Parliament in the Supply Estimates.[1] The new definition of the planning total has greatly improved the alignment between this and Supply expenditure. Practically all Supply expenditure now appears in the planning total, compared with about 75 per cent under the previous definition. Voted expenditure covers most of central government's own expenditure and central government support for local authorities' expenditure; the main category of spending within the planning total, but not covered by the Supply Estimates, is expenditure out of the National Insurance Fund, which accounts for over half of social security spending.

Totals

Table 1 shows the planning total and general government expenditure. Unlike the planning total, general government expenditure includes local authority self-financed expenditure, central government debt interest and accounting adjustments. About three-quarters of the planning total consists of central government's own expenditure; most of the remainder is accounted for by central government support for local authorities.

Table 2 gives a departmental breakdown of the planning total. The figures for each department cover all spending for which the relevant Secretary of State is responsible; for most departments they thus include not only central government's own expenditure but also central government support for local authorities and the financing requirements of public corporations.

Analysis by Department

The Departments of Social Security, the Environment and Health and the Ministry of Defence are the largest spenders, accounting for some 70 per cent of total departmental expenditure. Key aspects of spending by some of the larger departments are outlined below.

Social Security

As in previous years, social security[1] is the largest single programme, accounting for over 30 per cent of planned departmental expenditure in 1990-91. It includes outlay on social security benefits – some 95 per cent of the programme – and the costs of administering these benefits and collecting National Insurance contributions. The programme aims to provide an efficient and responsive system of financial help, paying due regard to wider social and economic policies. Social security benefits meet many needs: providing an income for those with little or no earnings because they are elderly, unemployed or sick or must look after dependants; assisting with costs of housing or of bringing up children; providing pensions for the retired and income for widows; helping with the expenses associated with disability; and compensating for injury, disease or death arising at work or in the armed forces. The Government aims to make the social security system more efficient and up to date, meeting needs in a way that encourages independence and incentives to work and providing a helpful service to recipients.

Defence

The Government's primary objective for defence[2] is to maintain the security of the nation and to keep it free to pursue its legitimate interests and activities at home and abroad. Despite welcome changes in the Soviet Union and Eastern Europe (see pp 9-15), the Government sees the armed forces of the Warsaw Pact as the main potential military threat to the West. To counter this threat, successive British governments have maintained the country's membership of the North Atlantic Treaty Organisation (NATO),

[1]For more information see COI reference paper *Public Finance in Britain*, No 143/88.

[1]For more information see COI reference pamphlet *Social Welfare in Britain*, No 70/89.

[2]For more information see COI reference paper *Britain's Defence Services*, No 231/89.

Table 1

The Planning Total and General Government Expenditure

£ million

	Estimated outturn 1989-90	Plans 1990-91	1991-92	1992-93
Central government's own expenditure	126,857	137,811	145,300	152,300
Central government support for local authorities	38,151	41,763	43,700	44,800
Financing requirements for public corporations	1,314	1,391	2,310	2,280
Reserve	–	3,000	6,000	9,000
Privatisation proceeds	−4,250	−5,000	−5,000	−5,000
Adjustment	−200	–	–	–
Planning total	161,900	178,965	192,300	203,400
Local authority self-financed expenditure	13,100	12,000	12,000	12,500
Central government debt interest	17,300	15,500	14,000	13,500
Accounting adjustments	4,200	4,500	4,000	4,500
General government expenditure	196,400	210,400	222,200	234,100

Note: Differences between totals and the sums of their component parts are due to rounding.

Table 2

Public Expenditure by Department

£ million

	Estimated outturn 1989-90	Plans 1990-91	1991-92	1992-93
Defence	20,311	21,202	22,360	23,430
Foreign and Commonwealth Office	2,451	2,600	2,750	2,850
Agriculture, Fisheries and Food	1,597	1,833	2,040	2,140
Trade and Industry	1,721	1,511	1,090	900
Energy	−139	−160	670	670
Employment	3,842	3,770	3,650	3,670
Transport	3,594	4,230	4,490	4,600
Environment – housing	2,560	6,268	6,720	6,920
Environment – other environmental services	1,395	1,406	1,260	1,210
Environment – local government	19,481	20,485	21,340	21,670
Home Office	4,221	4,840	5,010	5,160
Lord Chancellor's and Law Officers' departments	1,125	1,267	1,380	1,470
Education and Science	5,748	6,590	6,770	6,920
Arts and Libraries	459	494	520	540
Health and Office of Population Censuses and Surveys	20,133	22,202	23,510	24,630
Social Security	52,583	55,580	59,900	63,500
Scotland	9,028	9,576	10,090	10,400
Wales	3,870	4,457	4,590	4,720
Northern Ireland	5,780	5,968	6,240	6,460
Chancellor of the Exchequer's departments	4,223	4,609	4,880	5,130
Cabinet Office, Privy Council Office and Parliament	307	367	380	400
European Community	2,030	1,870	1,670	1,990
Reserve	–	3,000	6,000	9,000
Privatisation proceeds	−4,250	−5,000	−5,000	−5,000
Adjustment	−200	–	–	–
Planning total	161,900	178,965	192,300	203,400

Note: Differences between totals and the sums of their component parts are due to rounding.

a defensive alliance with the overriding aim of preventing war by pursuing a policy of collective deterrence based on forward defence and flexible response. NATO also seeks balanced and verifiable arms control agreements wherever possible and the resolution of underlying political issues, thereby promoting stable relations between European nations. Britain makes a substantial contribution to NATO forces. Over 95 per cent of the country's defence budget is devoted directly or indirectly to NATO commitments.

Health

The health and personal social services programme provides for spending by central government on the National Health Service (NHS) and by local authorities on personal social services in England (spending in Scotland, Wales and Northern Ireland is the responsibility of the appropriate territorial office). The health and personal social services programme aims to provide treatment and care, to extend life and maintain or enhance its quality.

The NHS comprises the hospital and community health services, which provide all hospital care and a wide range of community health services; the family practitioner services, providing general medical, dental and dispensing services and some ophthalmic services and covering the cost of medicines prescribed by general practitioners; and central health and miscellaneous services, which provide a limited number of services most effectively ministered centrally. The NHS budget also includes the administrative costs of the Department of Health.

Personal social services provide advice, care and support services for the most vulnerable members of the community. These include help to disabled, handicapped or socially disadvantaged people of all ages in their own homes and in residential and day-care facilities. Local authorities are also responsible for providing services for children who cannot be cared for by their parents and for other children in need of protection, supervision and help.

Environment – Local Government

The Department of the Environment makes grants and payments to support the expenditure of local authorities in England (the Scottish and Welsh Offices make equivalent grants and payments). The new system of local government finance is designed to improve the accountability of local authorities by creating a clear link between their spending and the level of the community charge. Rates on non-domestic properties will be based on a uniform poundage and distributed to authorities as a fixed amount per adult. The community charge will provide a fairer basis for funding expenditure than the present one and will allow chargepayers to see clearly how much their authorities are spending on services.

Education and Science

The Government's principal aims for the education and science programme[1] are: to raise standards of achievement at all levels of ability; to increase parental choice; to secure the best possible return from resources invested; to widen access to further and higher education and to make them responsive to the needs of the economy; and to enhance the strength and quality of the science base, of learning and of scholarship.

The presentation of expenditure on education and science has been considerably changed this year. Spending financed by local authorities from their own resources is outside the planning total although still within general government expenditure, where it is shown as local authority self-financed expenditure. Within the planning total, the bulk of support for local authority current expenditure is provided through revenue support grant and payments from the yield of non-domestic rates; it is thus part of the Environment – Local Government programme. The local element of the Education and Science programme therefore includes only direct central government support for local education authorities in the form of specific grants and credit approvals. The effect of the changes is to reduce the size of the Education and Science programme by around two-thirds.

Home Office

Over four-fifths of Home Office provision in 1990-91 is for the criminal justice system (see pp 53-9). Government responsibility for this in England and Wales is shared between the Home Secretary, the Lord Chancellor and the Attorney General. The Government's objective for the criminal justice system is to sustain the rule of law and to maintain confidence in the legal process while retaining the proper balance between the rights of the citizen and the needs of the community as a whole.

[1]For more information see COI reference pamphlet *Education in Britain*, No 15/89.

Other Home Office responsibilities include civil defence, the fire service, immigration and citizenship and passport services.

Employment

The main aims of the Department of Employment[1] are to promote a competitive and efficient labour market conducive to the growth of employment and the reduction of unemployment. Specifically, it seeks to enable people to improve their skills and competence for work; to give positive help to the unemployed; to promote the creation and growth of small firms and self-employment; and to foster a positive environment for work (including flexibility of pay, equality of opportunity and worker involvement).

Transport

The Department of Transport[2] seeks to protect and maintain safety; to increase efficiency and reduce unit costs of transport in both public and private sectors; to conserve the environment; and to advance British transport interests abroad.

Analysis by Spending Authority

Central Government

Central government's own expenditure, which accounts for about three-quarters of the planning total, includes the spending of government departments on their own activities and total or partial funding of other public bodies that do not undertake commercial activities as a major part of their work, of which the NHS is by far the largest. It also covers subsidies to a small number of trading bodies.

The Departments of Social Security and Health and the Ministry of Defence account for about 70 per cent of central government's own expenditure. A large proportion of expenditure in other areas –

[1]For more information see COI reference pamphlet *Employment in Britain*, No 131/89.

[2]For more information see COI reference pamphlet *Transport and Communications in Britain*, No 126/89.

Table 3

Central Government's Own Expenditure Analysed by Function

£ million

	Estimated outturn 1989-90	Plans 1990-91	1991-92	1992-93
Defence	20,311	21,202	22,360	23,430
Overseas services, including overseas aid	2,399	2,571	2,720	2,820
Agriculture, fisheries, food and forestry	2,091	2,427	2,640	2,760
Trade, industry, energy and employment	6,665	6,120	5,600	5,360
Transport	2,424	2,839	2,970	3,100
Housing	1,740	2,502	2,810	2,940
Other environmental services	807	944	980	1,000
Law, order and protective services	3,646	4,177	4,300	4,480
Education and science	5,502	5,929	5,910	6,080
Arts and libraries	514	581	610	630
Health and personal social services	24,987	27,464	29,000	30,450
Social security	48,884	53,894	58,200	61,600
Miscellaneous	6,888	7,162	7,200	7,660
Total	126,857	137,811	145,300	152,300

Note: Differences between totals and the sums of their component parts are due to rounding.

such as education, transport, and law and order – is carried out by local authorities, with a correspondingly low proportion directly accounted for by central government.

Around 70 per cent of central government spending is voted by Parliament through the annual Supply Estimates, the rest consisting mainly of those social security payments paid out of the National Insurance Fund.

Local Authorities

Local authorities account for about a quarter of general government expenditure. There are two main categories of current spending. Authorities have considerable discretion to determine the level and pattern of their main services. They need, however, to take into account the resources available in the form of central government support and authorities' own finances, the implications for the community charge and some central government regulation of services provided. The rest of their current spending is almost wholly financed by central government through specific grant, with little or no impact on the community charge. Central government support for capital expenditure takes the form of credit approvals and capital grants.

Public Corporations

Public corporations are publicly owned bodies which operate with a substantial degree of independence. Most are accountable to central government although a few are answerable to local authorities. As a result of the change in its definition, the planning total now excludes the latter.

As far as possible, the Government aims for the activities of public corporations to be financed by the consumers of their goods and services rather than the taxpayer. For some services, however, public subsidy is considered appropriate. A guiding principle is that public expenditure should represent the burden on public resources; it should therefore exclude funds generated through corporations' trading activities. Accordingly, only their external finance is included in the planning total.

Public corporations include the nationalised industries. The Government's primary aim for them is to ensure their effectiveness and efficiency as commercial concerns and to strengthen them to the point where they can be transferred to the private sector or, where necessary, remain as successful businesses within the public sector.

Analysis by Function

The territorial coverage of departmental expenditure varies. For example, the Department of Social Security is responsible for social security benefits throughout Great Britain whereas expenditure by the Department of Education and Science on schools is confined to England. In order to allocate central government's own spending on its different functions in Britain as a whole, Table 3 has assigned to the appropriate programme expenditure for which the Secretaries of State for Scotland, Wales and Northern Ireland are responsible.

Analysis by Economic Category

The White Paper divides public expenditure into a number of economic categories: pay (including pensions); other current spending on goods and services; subsidies; current grants to persons (including social security benefits); current grants to local authorities; payments to local authorities from the yield of non-domestic rates; net capital expenditure on assets; capital grants to local authorities; other capital grants; credit approvals; and lending and other financial transactions.

Excluding the reserve and privatisation proceeds, the 1990-91 planning total is made up as follows: pay and other current spending on goods and services 35 per cent; subsidies 3 per cent; current grants to persons 34 per cent; current grants to local authorities 14 per cent; non-domestic rate payments 7 per cent; net capital expenditure on assets 3 per cent; capital grants to local authorities 1 per cent; other capital grants 2 per cent; credit approvals 2 per cent (with lending and other financial transactions negligible).

Employment Bill

The Employment Bill, which includes provisions on the 'closed shop' (where a worker has to be a member of a trade union), secondary industrial action and unofficial action, has received its second reading in the House of Commons.

The Bill provides for implementation of the Government's proposals to reform industrial relations, as set out in Green Papers in March 1989 (see pp 151–2, 1989) and October 1989 (see pp 425–6, 1989).

MAIN PROVISIONS

The Bill would make it unlawful to refuse access to employment on grounds related to trade union membership. Any person refused employment on such grounds would be able to complain to an industrial tribunal. It would also be unlawful for an employment agency to refuse any of its services on such a basis.

On industrial action, clause 4 would remove the immunity under the Trade Union and Labour Relations Act 1974 for acts in contemplation or furtherance of trade disputes in cases where there had been secondary action other than in the course of peaceful picketing. The definition of secondary action would be modified to cover action organised among those working or performing services under any contract. Clause 5 would extend to those working under contracts for services (rather than contracts of employment) various legislative provisions concerning immunity on industrial action and the right of members to a secret ballot before industrial action.

Clause 6 would amend the Employment Act 1982 concerning circumstances in which unions were legally responsible for organising industrial action. The effect would be that unions would be liable for the actions of all their officials (including workplace representatives, sometimes called 'shop stewards'). The clause sets out new provisions about how a

union might repudiate those acts. The effect of clause 7 would be that an employee would have no right to complain of unfair dismissal to an industrial tribunal if he or she were dismissed while participating in unofficial industrial action, as defined in the Bill.

The Bill would also extend the scope of proceedings in which the Commissioner for the Rights of Trade Union Members might grant assistance, and enable the Commissioner to appear alongside the assisted person in the title of assisted court proceedings.

PARLIAMENTARY DEBATE

The Bill was given its second reading in the House of Commons on 29 January by 255 votes to 198 (*Hansard*, Vol 166, No 39, cols 38–112).

Government View

Introducing the Bill, the Secretary of State for Employment, Mr Michael Howard, said that there had been a transformation in industrial relations in the past decade. During the 1970s an annual average of 13 million working days had been lost through strikes, while in the past three years the number of days lost had been less than one-third of this level, so that by 1988 disputes were at their lowest level for over 50 years (see pp 314-16, 1989). In addition, many restrictive practices had been eliminated, with significant improvements in productivity. Manufacturing productivity had grown at over 5 per cent a year since 1980, compared with the annual average of 1·5 per cent in the 1970s. The transformation had resulted from the 'step-by-step' legislative reforms.[1]

Mr Howard said that the principle underlying the legislation had been 'the need to achieve a fair balance of rights between the rights of trade unions and those with legitimate disputes with their employers, and the rights of employers and employees who simply want to get on with their business and protect their jobs'. The Government believed that the role of the law was 'to limit abuses of industrial power and to guarantee the democratic rights of trade union members'.

Closed Shop

Mr Howard said that the Bill was 'the final step in making the closed shop unlawful'. No-one should be refused a job because he or she did not hold a union membership card, but the Bill was 'entirely even-handed in its approach'. It made it unlawful to refuse to employ someone either on grounds of union membership or non-membership. As a result, discrimination on grounds of trade union membership or non-membership would be as unlawful as sexual or racial discrimination. The Bill defined refusal of employment widely, making it unlawful for an employment agency to refuse its services on grounds of union membership and prohibiting advertisements that discriminated on these grounds. In addition, if a trade union or other body brought pressure on an employer to discriminate against people who were or were not union members, the Bill would allow the union to be involved in the proceedings and made liable for penalties.

Secondary Action

On secondary action Mr Howard said that the Government's view was that a business should not be threatened with disruption unless there was a direct dispute between the employer and his or her employees. The Employment Act 1980 had limited the scope for organising lawful secondary action to employees of customers and suppliers of the employer in dispute. However, in 1988 threatened secondary action had resulted in Ford cancelling planned investment of £40 million in a new electronics plant. Clause 4 would ensure that a union did not have legal immunity in such a situation.

Unofficial Disputes

The Secretary of State said that unofficial disputes (which accounted for 75 per cent of strikes in Britain) were still a major problem; they were far less common in other countries and virtually unknown in some. The Bill corrected the anomaly that unofficial action, even when organised by shop stewards or other union officials, did not have to be approved by a secret ballot. Clause 6 would place strikes organised by shop stewards and other lay officials on the same basis as those organised by national or regional officials. If a union failed to ensure that strikes organised by its shop stewards had majority support in a secret ballot, it would forfeit immunity, while if there had been no ballot and the union wished to retain immunity it would have to repudiate the strike as soon as possible. The effect would be that unions would not be able to ignore unofficial strikes or to use them to damage employers without risk to union funds.

The Bill would correct another anomaly by ensuring that employers had the option of dismissing strikers selectively without the risk of being taken to an industrial tribunal. At present, to avoid the risk of complaints to a tribunal, an employer had to dismiss all employees who went on strike or none at all; for unofficial action this was 'an unreasonable constraint on an employer whose business may be seriously damaged by a strike organised by a handful of troublemakers'.

The provisions on unofficial action would ensure that those who exercised industrial power took responsibility for their actions, were accountable to their members and operated within limits which protected the community, businesses and jobs.

Conclusion

The principles of the Bill, Mr Howard concluded, involved legal protection for the trade union member and the worker who did not wish to become a member, protection for the community from the abuse of trade union power, and protection for the creation of jobs. The Bill would 'extend personal liberty against the closed shop, and safeguard jobs and prosperity against the threat of unofficial industrial action'.

Opposition Views

For the official Opposition, its chief employment spokesman, Mr Tony Blair, criticised many of the provisions and said that the Bill was 'not even-

[1] For information on the main legislation – the Employment Acts 1980 and 1982, the Trade Union Act 1984 and the Employment Act 1988 – see COI reference paper *Industrial Relations in Britain*, No 187/89.

handed in its approach'. There were significant flaws in the clause concerning access to employment, while apart from a limited right in respect of picketing, all forms of sympathetic and secondary action would be banned, which was 'manifestly unfair and unreasonable'. In other parts of the European Community sympathetic action was permitted and workers had 'broader rights in other respects, not least the right not to be dismissed when lawfully on strike'. He opposed provisions that would allow selective dismissal without the right to go to an industrial tribunal and said that Britain would be 'the only country that does not allow that right'. The Bill was unfair, curtailed certain individual basic rights, moved Britain out of line with the rest of Europe and would provoke industrial conflict.

For the Liberal Democrats, Mr Alex Carlile welcomed the proposed abolition of the closed shop with the introduction of the right to choose whether or not to be a member of a trade union. However, there were 'severe flaws' in the Bill, so that it was not possible to support it.

Enterprise and New Towns (Scotland) Bill

The Enterprise and New Towns (Scotland) Bill, which provides for new arrangements for enterprise and training in Scotland and the winding-up of the Scottish new town development corporations, received its second reading in the House of Commons on 9 January.

MAIN PROVISIONS

The Bill gives effect to the reforms to the mechanism for government support for enterprise and training in Scotland outlined in the White Paper on Scottish Enterprise (see p 433, 1988, and p 356, 1989). This proposed that the training, enterprise and environmental improvement activities in Scotland currently administered by the Scottish Development Agency (SDA) and the Training Agency should be brought under one body, to be called Scottish Enterprise. Its main function would be to contract with a series of local employer-led agencies, which would assess the needs of their local labour markets and arrange the provision of training and business support. Similar but separate arrangements were proposed for the Highlands and Islands.

Part I of the Bill provides for the establishment of Scottish Enterprise and its counterpart, Highlands and Islands Enterprise, which would succeed the SDA and the Highlands and Islands Development Board (HIDB) respectively. Both bodies would have general functions in economic development, training and environmental improvement, and Highlands and Islands Enterprise would also have a responsibility for social development.

Part II of the Bill empowers the Secretary of State for Scotland to make orders for the winding-up of the five Scottish new town development corporations. This implements the policy announced in the White Paper of July 1989 (see pp 328-9, 1989) to commence the winding-up of the development corporations. This process is expected to begin in 1991 for the first two corporations and to be completed no later than 1999.

PARLIAMENTARY DEBATE

The Bill was given its second reading following the defeat of an official Opposition amendment by 253 votes to 213 (*Hansard*, Vol 164, No 25, cols 837-910).

Government View

Opening the debate, the Secretary of State for Scotland, Mr Malcolm Rifkind, said that the Bill had three major aspects, all of profound importance for the Scottish economy. First, by combining the training and development bodies, a powerful body with substantial resources that could provide an integrated approach would be created. Secondly, responsibility for training would be transferred from the Department of Employment to the Scottish Office, and from Sheffield to Edinburgh. Thirdly, responsibilities formerly carried out by the public sector would now be delivered by private sector enterprise companies.

On the first point, he said that the integrated approach would provide a single source for business support and training. Moreover, training was a form of investment, and hence was similar in that sense to the work that the SDA and the HIDB had been doing. The transfer of responsibility for training in Scotland from the Department of Employment to the Scottish Office would give Scottish Enterprise a single line of responsibility. It would not have been wise to have an integrated body answering to two government departments simultaneously. Mr Rifkind described it as 'a Scottish solution to meet Scottish needs'. The establishment of local private sector enterprise companies would decentralise responsibility still further, not simply to officials from the SDA but also to the local community, primarily the business and industrial community. Demographic change would mean that the need for a training and business support system more tailored to the needs of each locality in Scotland would be greater than ever.

Turning to the provisions for winding up the new towns, Mr Rifkind said that the purpose of the five new towns in Scotland, set up between 1947 and 1966, had been to assist the dispersal of industry from overcrowded inner-city areas, especially Glasgow, and the provision of locations for economic expansion. They were continuing to make a contribution to the economic and social well-being of Scotland and Britain. However, the Government had always made it clear that the new towns should not be distinguished from other towns by the perpetual presence of special public sector support. The policy would allow the new towns to become self-sufficient communities.

Opposition View

Mr Donald Dewar, the official Opposition spokesman for Scotland, opposed the second reading on the grounds that the Bill failed to make a proper provision for a true partnership between the private

sector, local authorities, trade unions and the wider community. The local enterprise companies were central to the scheme, yet the Bill did not give any statutory basis to them. The Bill did not guarantee that, when the new town development corporations were wound up, their tenants would have the choice of the landlord they wanted.

British Design Awards

The Design Council announced the 17 winning products of the 1990 British Design Awards on 16 January. For the first time, British-designed products manufactured overseas were eligible for consideration.

The British Design Awards scheme was started in 1957 and a total of 651 awards have been made since then. The awards are given for outstanding all-round design, as well as excellent performance, innovation, safety, ease of use, value for money and good appearance. The 1990 awards, chosen from 282 nominations, were made for computer software, medical equipment, engineering products, contract goods, consumer goods, components and motor industry products.

For the first time since the awards scheme started, products designed by British designers but manufactured outside Britain were eligible for consideration. Three such awards were made out of 24 nominations. The extension of the scheme was intended to draw attention to the reputation which British design consultancies had achieved throughout the world and to heighten awareness in British industry of the commercial success being enjoyed by foreign competitors employing British designers' talents.

The following awards were made:

Computer Software

The System 8000, a computer-based foetal monitoring system which checks foetal heart rate characteristics against pre-determined standards and warns of any abnormality, was developed for Oxford Sonicaid Limited of Chichester, West Sussex, by two British specialists.

The Newspaper program, a desktop publishing package produced for use in schools, was created by Software Production Associates of Leamington Spa, Warwickshire.

The Autoroute Plus, a desktop system which plans and maps road journeys throughout Britain, was designed by consultant designers for Nextbase Limited of Staines, Middlesex.

Medical Equipment

The Endolite artificial leg, which makes use of lightweight carbon fibre structural components, was made by Chas A Blatchford & Sons Ltd of Basingstoke, Hampshire.

Engineering Products

The Emma 220 is a compact photoplotter used by industry to produce photographic artworks mainly for circuit board manufacture. It was developed by Marconi Instruments Limited of St Albans, Hertfordshire.

The Planet safe, an office safe made from plastic materials based on an elastomeric material called Ellox, was developed by Racal-Chubb Ltd by its own researchers in Britain, but is manufactured at the company's Dutch factory.

Contract Goods

The Dancall 5000 cordless telephone is a lightweight, pocket-sized cordless telephone aimed at the business and professional market. It was designed by Moggridge Associates of London for the Danish firm Dancall Radio A/S.

The Fox (Feedback Office Executive Terminal) is a bar code and magnetic card reader for timekeeping use in factories and offices, made by Feedback Data Limited of Uckfield, East Sussex.

The Super Pro, a back-pack sprayer for use with undiluted herbicides, which reduces chemical drift and exposure by its operator to chemicals in comparison with more conventional knapsack sprayers, was designed by Raffo Design Associates for Nomix Manufacturing Company Ltd of Bristol.

Consumer Goods

The Autohelm 4000, an autopilot device for use with marine wheel steering aimed at the leisure sailing market, and the Autohelm Seatalk system, a new range of marine instrumentation, were both given awards. They were designed and produced by Nautech Ltd, of Portsmouth, Hampshire.

The AgendA, a compact computerised pocket organiser, which employs a unique form of typing using only five keys known as microwriting, was developed by BIB Design Consultants Ltd for Microwriter Systems of Mitcham, Surrey, and is manufactured at the firm's Singapore factory.

Components

The Supreme Espagnolette Window Handle, a latching device which engages automatically when the handle is closed, was designed and produced by Worcester Parsons Ltd of Birmingham.

Two 23·6 megawatt bulb water turbine gears have been manufactured for use in a dam in the United States. The gears – the largest epicyclics ever made for such use – were designed and manufactured by NEI Allen Ltd Allen Gears of Pershore, Worcestershire.

Motor Industry Products

The ST400 Intelligent Tachometer is designed for use in racing cars and utilises a microprocessor to give rapidly updated, highly accurate indications of speed. The device was designed and manufactured by Stack Ltd of Bicester, Oxfordshire.

The Model 950 heavy-duty plastic lever pump, used for discharging lubricating oils from a drum, which costs much less to make than its metal predecessors, was designed and manufactured by Ernest H Hill Limited of Sheffield.

The movable bulkhead is an insulated bulkhead designed to support and seal one part of an insulated refrigerated trailer from another. It was designed for York Thermostar (UK) Ltd of Stanley, Durham.

Aviation and Maritime Security Bill

The Aviation and Maritime Security Bill, which provides for greater powers to enforce security requirements, has been given an unopposed second reading in the House of Commons.

Main Provisions

Measures designed to tighten security at Britain's airports were announced in 1989 following the Lockerbie air disaster in Scotland in December 1988 (see pp 105 and 204, 1989). The new legislative powers on aviation security are part of the programme of measures. The first part of the Bill gives effect to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (the Montreal Protocol), opened for signature in 1988, and contains amendments to the Aviation Security Act 1982 to secure more effective implementation of aviation security measures.

Under the Bill the Department of Transport's aviation security inspectors would have powers to take immediate action when security requirements at airports or on aircraft were not being implemented effectively, and would be able to stop operations until remedial action was taken or to require that deficiencies be remedied within a given time. The Secretary of State for Transport would be able to give directions on security to firms with access to airports for business purposes, for example, cargo-handling companies, suppliers of in-flight catering and cleaning firms. Certain acts prejudicial to security would become offences, for example, giving false information about baggage or cargo; providing false information when applying for a pass to enter a restricted area; being in a restricted zone or going on board an aircraft without proper authority; and refusing to leave a restricted zone or aircraft when requested.

Part II of the Bill gives effect to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (the Rome Convention), opened for signature in 1988, and to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. Part III would extend to maritime activities similar powers to those in operation or proposed for aviation security. Ship operators and port authorities would be required to give the Secretary of State for Transport information on security measures being taken concerning ships or ports; to carry out searches of vessels and ports; and to take measures necessary to improve security precautions, as directed by the Secretary of State. Department of Transport maritime security inspectors would have powers to enter and inspect ships and ports, and to detain ships.

Secretary of State's Speech

The Bill received its second reading in the House of Commons on 10 January (*Hansard,* Vol 164, No 26, cols 954-92). Introducing the Bill, the Secretary of State for Transport, Mr Cecil Parkinson, said that it was time to review and enlarge the provisions of the Aviation Security Act 1982 and to extend them to maritime operations. The Government had been determined to learn all that it could from the Lockerbie disaster. The Department of Transport had conducted a major review of aviation security, and Britain had taken important initiatives in the International Civil Aviation Organisation (see pp 105 and 204, 1989). Immediately after Lockerbie the Government had tightened security for United States' airlines operating from Britain and had worked closely with the United States Federal Aviation Administration. New security procedures had been introduced for electrical equipment carried by passengers. The system of passes for airport workers and the control of vehicles entering airport restricted areas had been tightened, and by April 1990 there would be electronic checking of all passes at Britain's airports. The Department's aviation security inspectorate had been doubled as had expenditure on research and development into security equipment and techniques.

However, further measures were required, Mr Parkinson continued. The Government was working towards the screening of hold baggage on all international flights from Britain, the physical separation of inbound and outbound passengers at airports, and tighter security requirements for cargo, mail and courier consignments. The Bill would provide further necessary powers, to give aviation security inspectors more flexible and effective means to enforce directions so that deficiencies in security could be remedied immediately, to enable directions on security to be made to businesses other than airports and airlines which had access to aircraft, and to make it an offence for individuals to undertake certain actions prejudicial to security.

The Bill would enable the Government to ratify the Montreal Protocol, which Britain had signed in October 1988. As a result of the Protocol, Britain was required to make it an offence to carry out armed attacks at its international airports or to cause damage or disruption at such airports. The Protocol provided for severe penalties for these offences, and in relevant cases for extradition of offenders.

Mr Parkinson said that the Bill would also enable the Government to give effect to the International Maritime Organisation's convention on terrorism at sea and related protocol on fixed platforms. The Bill made it an offence to hijack any ship or to seize or exercise control of a fixed platform unlawfully. There was no legal framework for ensuring adequate security precautions to counter terrorism on ships and in ports. Although the terrorist threat to shipping was not as great as to aviation, there had been over 50 terrorist attacks on shipping in the 1980s. Problems were being tackled by voluntary co-operation with the industry, but there was also a need for a framework governing standards for the protection of the travelling public, ships' crews and others in the maritime industry, and the Bill was intended to provide that framework.

Mr Parkinson concluded by expressing confidence that the measures in the Bill would 'improve aviation and maritime security still further. With the backing of the industry and the police, the Bill will be an effective weapon in our armoury against the terrorist.'

Research Councils

The Secretary of State for Education and Science, Mr John MacGregor, has made several recent statements in the House of Commons concerning the research councils: on the division of funding responsibility between research councils and institutions of higher education; on the distribution of the increase in the science budget; and on the reconstitution of the Advisory Board for the Research Councils.

Funding Arrangements

On 9 January Mr MacGregor announced the issue of a consultative paper[1] on the method of supporting research council-funded projects in universities and other higher education institutions (*Hansard*, Vol 164, No 25, written answers, cols 574-5). Under the current system of dual support the boundary determining who paid for what had become blurred. The consultative paper proposed that from the academic year 1991-92 universities and other institutions would continue to pay the salaries of academic staff contributing to research council projects and to supply premises free of charge; but all other costs of these projects would be met by the research councils through their grants. The change in responsibility would be reflected in a small decrease in the block funding to the institutions and a corresponding increase in the funding of the research councils.

1990-91 Budget

On 10 January the Secretary of State announced the distribution of the increase in the science budget among the five research councils and other organisations (*Hansard*, Vol 164, No 26, written answers, cols 623-4). The budget for 1990-91 of £897 million, compared with £824 million in 1989-90, was first announced on 15 November 1989, with planning figures of £912 million for 1991-92 and £935 million for 1992-93 (see Table). Mr MacGregor has accepted the advice of the Advisory Board for the Research Councils (ABRC)[1] on the new allocations.

The British Antarctic Survey will receive £17·2 million towards the construction costs of its new research ship, the RRS *James Clark Ross*. Other earmarked sums are £1 million for the British Geological Survey and £2 million for instruments for the ERS-2 earth observation satellite. A total of some £22 million will be shared by the research councils for maintaining the scope and quality of their existing programmes. There will be an extra £0·8 million for work on slow viruses, including research on bovine spongiform encephalopathy ('mad-cow disease') by the Agricultural and Food Research Council (AFRC); £1·2 million for interdisciplinary research centres; and £1·9 million for environmental research by the Natural Environment Research Council (NERC), including further participation in the World Ocean Circulation Experiment. The NERC will also receive £6 million for rebuilding and re-equipping the RRS *Discovery*, which will then play a major part in the experiment.

A total of £1·7 million will be available for increasing the number of responsive-mode research grants, grants to individuals for research projects initiated by them. The value of research council studentships has been increased by £600, which will account for some £8 million. In addition, some £3·5 million will go to other studentship and fellowship schemes. Re-equipment will take £1·4 million and continued research council restructuring some £9 million.

Advisory Board for the Research Councils

On 19 January and 1 February Mr MacGregor published his replies to the chairman of the ABRC on the future of the research councils and the ABRC (*Hansard*, Vol 165, No 33, written answers, col 434; Vol 166, No 43, written answers, cols 289-90). He accepted the ABRC's main recommendation that it

[1] *Dual Support: Adjusting the Balance of Funding Responsibilities.* Available free from the Department of Education and Science, Room 5/67, Elizabeth House, York Road, London SE1 7PH.

[1] *Allocations of the Science Budget 1990-93.* Advice to the Secretary of State for Education and Science from the Advisory Board for the Research Councils. Available free from the Department of Education and Science, Elizabeth House, York Road, London SE1 7PH.

Science Budget: Recommended Allocations for 1990-91 and Plans for 1991-92 and 1992-93

£ million

	1990-91	1991-92	1992-93
Agricultural and Food Research Council	86·6	91·8	88·4
Economic and Social Research Council	36·2	35·2	35·8
Medical Research Council	185·7	192·0	195·2
Natural Environment Research Council	136·0	121·3	117·1
Science and Engineering Research Council	437·1	437·4	444·2
Royal Society	13·9	15·4	15·4
Fellowship of Engineering	1·2	1·4	1·4
Advisory Board for the Research Councils	0·3	0·3	0·4
Flexibility margin	–	17·4	36·7
Total	897·1	912·3	934·6

Note: Differences between totals and the sums of their component parts are due to rounding.

should be reconstituted as a smaller, more authoritative body, with a specific remit to promote greater harmonisation of the research councils' activities. This would go a long way towards overcoming the co-ordination difficulties which arose at present, while avoiding the disruption, transitional costs and need for legislation associated with more radical proposals for restructuring the present system. Improving co-ordination between the AFRC's and the NERC's research programmes, particularly in the terrestrial life sciences, would be part of the new ABRC's remit to improve co-operation among all the research councils without the setting up of any *ad hoc* working group.

The ABRC will be reconstituted from 1 April, with a membership reduced from 26 to 14. Sir David Phillips, the present ABRC chairman, has been appointed as the new Board's first chairman.

Shorter Notes

REVENUE SUPPORT GRANT

The Government has announced the 1990-91 revenue support grant and assumed community charges for local authorities in England and Wales.

Local authorities in England will receive central government support of £23,100 million – 8·5 per cent more than the comparable amount in 1989-90 – of which £9,490 million will be revenue support grant. In order to ensure that authorities have an adequate cash flow at the time of the start on 1 April of the new system of local government finance, embodying the community charge (see pp 17-18, 1988), 25 per cent of the grant will be paid in April and May.

Revenue support grant will be distributed in such a way that, if all authorities were to spend at the level of their standard spending assessment,[1] they would set the community charge at the same figure: in England this would be £278. The actual level will depend on authorities' decisions on spending and the provision of services.

In Wales central government support will amount to £1,739 million – 8·6 per cent above the equivalent sum in 1989-90. Revenue support grant will be £1,141 million. Accordingly, and on the basis of spending at the standard level, the community charge could be set at £173.

Sources: *Hansard*, Vol 164, No 27, written answers, cols 681-3; *Local Government Finance (England): The Revenue Support Grant Distribution Report (England)*. Department of the Environment. HMSO, £5·40. ISBN 0 10 204990 4; *Hansard*, Vol 164, No 20, cols 27-36.

[1]The standard spending assessment represents the amount of expenditure that an authority would need to incur in order to provide a standard level of service which the Government regards appropriate.

FRIENDLY SOCIETIES

The Government has published a Green Paper which sets out proposals for a new legislative framework for friendly societies. Friendly societies are mutual institutions, administered by trustees, covering a wide range, from substantial industrial assurance funds to organisations which are mainly social or philanthropic. Under the proposals, societies would have powers to establish and manage unit trust schemes and Personal Equity Plans (see p 125, 1986, and p 139, 1989); act as agents of other insurers; give advice on insurance; provide loans; and re-insure other friendly societies' business. The European Community Life Directive[1] requires that such services be provided through subsidiaries, but friendly societies, not being bodies corporate,[2] cannot at present own subsidiaries. The Green Paper therefore proposes a new route to incorporation as a special category of body registerable under the Industrial and Provident Societies Acts (1965-78). The Green Paper also sets out the Government's proposals for a revised regulatory framework for friendly societies which would bring their supervision into line with modern regimes of investor protection.

In a foreword to the Green Paper, the Chancellor of the Exchequer, Mr John Major, said that, taken together, the proposals would enable those societies which had the will and the ability to do so to expand their services to their members competitively while ensuring that the interests of members – and particularly the members of declining societies – were adequately protected.

Sources: *Friendly Societies: A New Framework*. Cm 919. HMSO, £5·20. ISBN 0 10 109192 3; HM Treasury news release, 16.1.90.

EUROENVIRON

Euroenviron is an umbrella programme under the pan-European Eureka framework (see p 284, 1989) covering research and development on environmental technology. It aims at attracting collaborative projects from companies which wish to work with partners in any of the 19 countries which are members of Eureka. The programme was launched in Britain on 23 January by the Parliamentary Under-Secretary of State for Industry and Consumer Affairs, Mr Eric Forth. Mr Forth, who is responsible for environmental matters at the Department of Trade and Industry, said that the new programme was probably the most important which the British environmental technology industry had had the chance to take part in. The European market for environmental goods and services was already large and was likely to grow rapidly.

Companies which take part will be able to get government funding of up to half the cost of projects they enter into with European partners. Main

[1]First Council Directive of 24 July 1973 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance.

[2]A body corporate has a legal existence, rights and obligations distinct from those of the individuals who make it up.

research fields include treatment of industrial, municipal and agricultural wastes; improving and monitoring air and water quality; the indoor environment; reducing noise pollution; pesticides and herbicides; clean production technologies; environmental management; and developing technologies to deal with environmental catastrophes.

Source: Department of Trade and Industry news release, 23.1.90.

The Environmental Protection Bill

The Environmental Protection Bill, which sets out a new framework of integrated pollution control, received its second reading in the House of Commons on 15 January. The Bill would tighten many of the existing controls and give new rights both to local authorities and individuals; provide a framework to regulate the keeping and release of genetically modified organisms; and replace the Nature Conservancy Council with three separate councils, one each for England, Scotland and Wales. In the main the Bill would cover Great Britain, although some parts would apply only to England and Wales.

MAIN PROVISIONS

Control of Emissions

Part I of the Bill provides for the establishment of the parallel regimes of Integrated Pollution Control (IPC), to be administered by HM Inspectorate of Pollution (HMIP), and Local Authority Air Pollution Control. The Secretary of State for the Environment would have the power to designate processes or substance releases that would be subject to central or local control, and hence for which authorisation would be required under one of these control regimes. IPC would cover all major emissions to air, land and water. This approach recognises that the reduction in a release to one environmental medium could have implications, possibly adverse, for another medium. IPC would adopt a preventive approach to pollution control; for the first time a person proposing to operate a 'scheduled' process would have to obtain prior authorisation from HMIP, which would contain specific conditions to be met. The Bill sets out the objectives which an enforcing authority – either HMIP or the local authority as appropriate – would have to consider when setting conditions for an authorisation. These include the use of 'best available techniques not entailing excessive cost' to prevent or minimise harmful releases.

The enforcing authority would have the power to issue revocation, variation, enforcement and prohibition notices to operators of prescribed processes. Their powers would include the right to enter premises, take samples and require information. Where someone has been convicted of operating without authorisation or in contravention of a notice, the chief inspector appointed under the IPC regime would have the power to arrange for the remedy of environmental harm caused by their actions, and to recover the costs from the person concerned. Enforcing authorities would have a duty to maintain public registers of information relating to authorisations.

Waste on Land

Part II brings a major reform of the law on waste. It would build stricter, extended controls into the existing system of licensing. It is based upon the proposals announced in September 1989 (see p 391, 1989). The roles of waste regulation, waste disposal and waste collection authorities would be assigned to various tiers of local government.

The law relating to unlicensed disposal of waste ('fly-tipping') is clarified and tightened. In particular, the person in control of a vehicle used for the illegal deposit of rubbish would be guilty of an offence. There would be a new duty of care on producers, importers, carriers and disposers of waste to take reasonable measures to prevent other people illegally dumping the waste, to hand it over only to other authorised people and to hand on an adequate description of the waste. The former category of waste disposal licences would become waste management licences, and the provisions governing them would be altered. Only fit and proper people would be allowed to run waste sites, and they would have to care for their sites until all risk of gas or pollution was past. The Secretary of State would be able to establish a charging scheme for licences.

The Bill also seeks to reform local authority responsibilities for waste.[1] Authorities' own waste disposal operations would be set up as discrete, competitive companies so as to separate them from the authorities' other job of policing environmental standards. Disposal authorities would be empowered to make arrangements for the production of heat and electricity from waste. Waste regulation authorities would have a new duty to monitor and secure the safety of closed landfill sites.

Statutory Nuisances and Clean Air

Part III of the Bill provides for the consolidation of the existing definitions of statutory nuisances, such as smoke, dust, smells and noise, into a single list, and re-enacts the duty on local authorities periodically to inspect their areas to detect nuisances. Local

[1]For present responsibilities see COI reference paper *Control of Environmental Pollution in Britain*, No 83/89.

authority procedures[1] for the abatement of nuisance would be simplified and streamlined, and local authorities would have the power to serve an abatement notice in anticipation of a nuisance occurring. Private individuals would be able to apply to a magistrate for a nuisance abatement order. The Clean Air Acts would be amended to allow regulations to be made extending controls over smoke to any specified gaseous emission.

Litter

Part IV relates to litter, and reflects the Government's proposals announced in July 1989 (see p 334, 1989). The maximum penalty on summary conviction of littering under the Litter Act 1983 would be increased from £400 to £1,000. Principal litter authorities, as defined in the Bill, would receive the power to establish fixed penalty schemes for litter offences (initially to be set at £10). A duty would be placed on local authorities and certain others to keep their public land free of litter as far as practicable. The Secretary of State would be able to designate litter control areas; principal litter authorities would then have the power to issue litter abatement notices against the owner or occupier or against educational institutions or statutory undertakers as defined by the Bill. They would also have powers to clear the litter themselves and recover the expenses from the owner or occupier. Aggrieved individuals would have the right to apply to a magistrate for an abatement order.

Radiological and Biological Hazards

Part V of the Bill would amend the Radioactive Substances Act 1960 by which the keeping and use of radioactive materials, and the accumulation and disposal of radioactive wastes, are controlled. In particular, it would remove from the United Kingdom Atomic Energy Authority its current exemption from registration for keeping radioactive materials and from authorisation for the accumulation of radioactive waste. A cost recovery charging scheme for registrations and authorisations would be introduced. Local authorities would be required to keep a public register of certain documents relating to registrations and authorisations. Additional powers would be introduced for the issue of immediate enforcement and prohibition notices where there was a risk of environmental harm or where registrations or authorisations were being contravened. The Secretary of State would have the power to prescribe limits for man-made radioactive substances below which the provisions of the 1960 Act would not apply.

Part VI would introduce regulations governing the holding or release of genetically modified organisms (GMOs). Anyone who intends to import, acquire, keep or release GMOs would first have to carry out an environmental risk assessment. In certain circumstances, they would require a consent from the Secretary of State, and they would be subject to certain duties. The Secretary of State would have various powers to prevent the import, acquisition, keeping or release of GMOs where this would involve a significant risk of damage to the environment. Inspectors would have the power to destroy or render harmless organisms which were likely to cause damage to the environment. A unified system of administrative control for GMOs would be developed in parallel with these regulations; this would involve the Department of the Environment, the Health and Safety Executive and other interested departments. It would provide users of GMOs with a single official control regime.

[1]For present noise abatement procedures, upon which the new streamlined procedures would be based, see COI reference paper *Control of Noise Pollution in Britain*, No 227/88.

Nature Conservancy Council

Part VII of the Bill provides for the creation of three new public bodies, the Nature Conservancy Council for England, the Nature Conservancy Council for Scotland and the Countryside Council for Wales. These councils would have the powers previously exercised by the Nature Conservancy Council (NCC), which would be wound up, and the Welsh Council would also exercise the functions of the Countryside Commission in Wales. In particular, the councils would have the power to commission or carry out research, provide advice to ministers, disseminate information and provide loans or grants in furtherance of nature conservation. A joint committee of the councils would cover scientific standards and advice on wider nature conservation matters which affect the whole of Great Britain or the United Kingdom, or which have international significance.

Miscellaneous Provisions

Part VIII sets out new enabling powers over the storage and disposal of hazardous chemicals. The Secretary of State would be empowered to prohibit or restrict the import, supply, use or storage of harmful substances, and to require their disposal; and would also acquire powers to prohibit or restrict the movement of waste into or out of Britain. The Food and Environment Protection Act 1985 (see p 81, 1985) would be amended to make it an offence to dump waste without a licence in the United Kingdom Continental Shelf from foreign vessels loaded in foreign ports. Enforcement officers would have greater powers to bring vessels suspected of dumping into port, and the maximum fine on summary conviction would be increased from £2,000 to £50,000.

PARLIAMENTARY DEBATE

The Bill received its second reading in the House of Commons on 15 January (*Hansard*, Vol 165, No 29, cols 28–118) after an Opposition amendment was defeated by 282 votes to 202.

Government View

Introducing the Bill, the Secretary of State for the Environment, Mr Christopher Patten, said that it would provide the basic framework for pollution control in Britain well into the next century. Its measures on waste followed the lines recommended by the Royal Commission on Environmental Pollution in 1985 (see pp 15–20, 1986).

He said that environmental legislation and regulation had a long pedigree in Britain. In this context he cited the Clean Air Acts, the Control of Pollution Act 1974 (see pp 282-5, 1974) and the Water Act 1989 (see pp 321–2, 1989). Control and regulation were

essential to the improvement of environmental quality, but, he added: 'they provide only part of the means for enhancing environmental quality. Our unequivocal view is that the best way of securing that objective is a judicious mix of governmental regulation and market economics.'

Integrated Pollution Control

Mr Patten said that Britain's existing pollution control system, which had developed piecemeal over many years, had three distinct sets of controls for air, water and land releases. These, however, took no account of the effect of one upon another, but this would be changed by the introduction of IPC. For the first time, a single authority would control emissions to land, water and air within a single framework. Conditions set in the authorisations given to each industrial process would ensure the greatest protection to the environment as a whole. These would be based on the best available techniques not entailing excessive cost. Thus, Mr Patten said: 'there will be a built-in mechanism for environmental protection. As techniques improve, higher environmental standards will be required.' The IPC system would not apply to Scotland as it stood, but the Secretary of State for Scotland would table amendments to adapt it for implementation in Scotland.[1]

Part I, in common with other parts of the Bill, contained proposals for public access to environmental information. A company's image could be damaged by the activities of less environmentally concerned competitors. Making more information available would change that, identifying inadequate performers and rewarding environmental achievers. He intended to publish regulations concerning commercial confidentiality, which he believed would apply in very few cases.

Waste and Litter

Part II, Mr Patten said, pointed to a new approach to waste. In the past, development and growth had meant an increase in waste, but in future that needed to be altered. He continued: 'the enforcement of higher standards will mean that the true costs of disposal will be felt by everyone. These costs must be passed back to the waste producers, forcing them to reappraise the true economics of their production processes. That will be a powerful encouragement to reduce and recycle waste.' The site licensing requirements of the 1974 Act would be strengthened. Not only would unqualified people be excluded, but, once licensed, operators would have to see the job through to completion. Higher standards would cost money, but the Bill provided for regulatory authorities to recover the cost of regulation by charging.

Discussing Part III of the Bill, the Secretary of State said that the existing powers of local authorities to deal with nuisances such as noise and smells had stood the test of time. However, it was necessary to strengthen and streamline these powers. Local authorities would also gain new powers to deal with transient nuisances, such as dust from demolition sites.

Litter was causing mounting anger, Mr Patten continued, and the Government was determined to deal decisively with the problem. The first concern was to persuade people not to drop litter; therefore, the Government was supporting public education campaigns and had given the Tidy Britain Group £3 million in 1989-90.[2] For those who ignored their responsibilities, however, the Bill provided for increased fines. The Bill would also impose a new duty on local authorities to keep their public streets and land free of litter, and he intended shortly to publish a code of practice on litter clearance. Citizens would have the right to apply to a magistrate for a litter abatement order to compel defaulting authorities to clear up litter. Businesses, especially retailers and take-away food outlets, would be expected to take their responsibilities seriously. Therefore, the Government would amend the Bill to allow local authorities to serve litter abatement notices on businesses that would require them to keep their frontages free of litter.

Genetically Modified Organisms

The powers sought under Part VI of the Bill to regulate the keeping and release of genetically modified organisms closely reflected the report of the Royal Commission on Environmental Pollution (see p 327, 1989) and were consistent with European Community directives on a harmonised system to regulate GMOs. Biotechnology could offer great benefits, but progress depended upon its safety record being maintained. He envisaged making a comprehensive set of regulations setting out the detail of the control regime. A committee would be set up to advise on notification and consent applications.

Nature Conservancy Council

On the proposed new arrangements for conservation, Mr Patten said that these were designed to build on the NCC's experience and knowledge and to ensure that their responsibilities would be passed on smoothly to the three successor bodies. The reforms were essential in establishing a more sensitive and accountable framework for conservation. They would establish clear lines of responsibility to ministers and be more sensitive to local needs and concerns. The new agencies would be able to match conservation considerations more closely with local needs. There would be, as previously announced, a statutory joint committee of the three new country bodies for certain key issues, and the Bill would be amended to provide for an independent chairman. These arrangements, he felt, met all the main requirements that the NCC had sought from ministers in November 1989.

Conclusion

Some amendments, Mr Patten explained, would be introduced at a later stage of the Bill's parliamentary progress. These would include an amendment to require information on the environmental hazard of existing, as opposed to new, industrial chemicals.

[1]On 30 January Mr David Trippier, Minister for the Environment and Countryside, said that legislation for the introduction of IPC in Northern Ireland was being considered (*Hansard*, Vol 166, No 42, written answers, cols 173-4).

[2]On 18 January the Government announced that it would be streamlining the English operations of UK 2000, the voluntary-sector environmental improvement body noted for its anti-litter work (see p 280, 1986). In future, grants will be paid direct to the six national bodies which are the partners in UK 2000.

The Bill would also include powers to prohibit the burning of crop residues from the autumn of 1992 (see p 479, 1989).

Mr Patten said in his closing remarks that the Bill would lay the foundation for pollution control into the next century. It demonstrated the Government's commitment to improve and protect Britain's environment and to play a major role in international environmental policy. Several things were necessary to secure environmental objectives, including a good scientific base, a sensible approach to environmental economics, a sound legislative framework, which the Bill would help to provide, and a coherent intellectual framework, which would be set out in a White Paper later in 1990.

Opposition Views

For the official Opposition, its chief spokesman on the environment, Mr Bryan Gould, moved an amendment declining to give the Bill a second reading because of its failure to address the urgent and major problem of global warming, its failure to establish a comprehensive system of integrated pollution control 'administered by a fully independent, properly staffed and resourced Environmental Protection Executive' and the ill-conceived proposals to restructure the NCC.

Although much of the Bill was welcome, and the Opposition would attempt to improve those parts, overall it was a disappointment. It also contained many general powers for the Secretary of State, with little sign of how they would be used. These were errors of omission; the most notable error of commission was the proposal to dismember the NCC.

For the Liberal Democrats, Mr Malcolm Bruce said that they would support the Bill, although they would have liked a more radical Bill. The most contentious issue was the reform of the NCC, which they supported. He hoped that, since many of the most contentious environmental issues were in the north of Scotland, the Secretary of State would establish the Scottish body in the rural areas it was designed to serve.

Improved Help for Disabled People

The Government has issued a White Paper setting out its proposals to improve the system of social security benefits for disabled people. These include a new disability allowance for people of working age and below to improve help with the extra costs of being disabled and a new disability employment credit to make it easier for disabled people to take up jobs. The Social Security Bill, which would implement some of these changes and also provide greater protection for members of occupational and personal pension schemes, received a second reading in the House of Commons on 22 January.

Introducing the White Paper[1] in the House of Commons on 10 January (*Hansard*, Vol 164, No 26, cols 941-52), the Secretary of State for Social Security, Mr Tony Newton, said its proposals built, in a practical and constructive way, on the achievements of ten years in which the coverage of benefits for long-term sick and disabled people had massively increased and expenditure had correspondingly doubled in real terms. While ensuring a sustainable foundation for disability benefits into the next century, including the continued growth of occupational provision, the proposed changes, including measures announced in October 1989 (see p 435, 1989), would bring extra help to some 850,000 people at a net cost of £300 million in 1993. Together with the proposals for improved community care announced in November 1989 (see pp 31-3)[2] and those on training and employment services for disabled people to be announced shortly, the plans for improving the structure of disability benefits reflected the Government's firm commitment to improving the quality of life for Britain's disabled people.

BACKGROUND

Existing Benefits for Disabled People

Social security benefits fall into two broad categories – contributory and non-contributory. Contributory benefits are paid from the National Insurance Fund, which consists of contributions from employed people and their employers, self-employed people and the Government. Non-contributory benefits are financed from general taxation revenue. Some non-contributory benefits are income-related but others are not and entitlement depends solely on meeting the qualifying conditions. Benefits are increased annually, the uprating being linked to increases in retail prices.

The main existing benefits for people unable to work because of sickness or disablement are listed below. (See pp 434-8, 1989, for benefit rates, effective from April 1990.)

Income Maintenance Benefits

Invalidity benefit is the main income maintenance benefit for disabled people; it is a contributory benefit and is paid where set contributions are met and when incapacity for work has lasted for more than 28 weeks. It has three elements:

1 Invalidity pension: the basic benefit paid at the same weekly rate as retirement pension. Additions are payable for an adult dependant and for each child.

2 Invalidity allowance: an age-related addition paid to people qualifying for invalidity pension who become incapable of work more than five years before pensionable age. It is paid at three rates depending on the age at which incapacity began.

3 Additional pension: an earnings-related addition payable to those entitled to invalidity benefit on or after April 1979.

[1] *The Way Ahead: Benefits for Disabled People.* Department of Social Security. Cm 917, HMSO, £7·50. ISBN 0 10 109172 9.

[2] This article has been offprinted as COI reference paper *National Health Service and Community Care Reforms: Legislative Proposals*, No 339/90.

For long-term sick and disabled people who are unable to satisfy the contribution conditions for invalidity benefit, a non-contributory benefit – severe disablement allowance – may be paid. It is available to people who become incapable of work on or before their 20th birthday and to people aged 20 or over who are both incapable of work and are assessed or treated as 80 per cent disabled.

Help with Extra Costs of Disability

1 Attendance allowance: a non-contributory benefit payable to severely disabled people who need frequent supervision or watching over. It is payable from the age of two, with no upper age limit, at either a higher or lower rate depending on the amount of attention required.

2 Mobility allowance: a non-contributory flat-rate benefit paid to people who are unable or virtually unable to walk because of physical disablement. Those aged between 5 and 66 may claim, and payment can continue up to the age of 80.

Income-related Help

A range of disability premiums is payable to disabled people with low incomes who are in receipt of income support, housing benefit and community charge benefit. They are:

1 Disability premium: payable to people receiving invalidity benefit, severe disablement allowance, mobility allowance, or attendance allowance or who have been incapable of work for 28 weeks or who are registered blind or have an invalid carriage.

2 Severe disability premium: awarded to people receiving attendance allowance who live alone and who do not have a carer receiving invalid care allowance (see below) for looking after them.

3 Disabled child's premium: paid for each child in the claimant's family who is registered blind or who is receiving mobility allowance or attendance allowance.

4 Higher pensioner premium: paid where the claimant or claimant's partner is aged 80 or over or aged between 60 and 79 and either registered blind or receiving one of the main disability benefits.

Industrial Injuries Scheme

Special non-contributory help is available to people disabled following an industrial injury or disease. The benefits are payable whether or not the beneficiary is working and include:

1 Disablement benefit: usually paid after a qualifying period of 15 weeks. Entitlement is determined by a medical assessment of a person's loss of physical or mental faculty and the level of benefit depends on the degree of disablement at or above 14 per cent. People who are 100 per cent disabled and in need of care and attention can receive constant attendance allowance (paid at four rates depending on the degree of attendance required) and exceptionally severe disablement allowance (payable at a flat rate).

2 Reduced earnings allowance: payable to people who, as a result of industrial disablement assessed at 1 per cent or more, are unable to carry on their regular job or one with equivalent earnings.

3 Retirement allowance: paid to people of pension age who are not in regular employment.

Help for Carers

Invalid care allowance is a non-contributory benefit which provides income maintenance help to people providing regular and substantial care to a disabled person who receives attendance allowance or constant attendance allowance. There are dependency additions for an adult and for each child.

WHITE PAPER

The White Paper is the Government's response to the wide-ranging surveys of disability, commissioned from the Office of Population Censuses and Surveys (OPCS) between 1985 and 1988 and published between 1988 and 1989 (see p 337, 1989), and to comments from organisations of and for disabled people.

Disability Surveys

According to the White Paper, the OPCS surveys, whose aim was to provide information on which to base a review of disability benefits, now form the largest, single up-to-date source of information about disabled people in England, Wales and Scotland. Two surveys were concerned with disabled adults in private households and communal establishments, and two similarly with disabled children.

Based on the surveys' findings, there are an estimated 6·2 million adults and 360,000 children with disabilities above the relatively low threshold of disability employed by the surveys. Of this number, 400,000 adults and 5,600 children were resident in communal establishments. For adults, the prevalence of disability dropped significantly as the degree of severity increased, with 1·2 million adults in the lowest of the ten severity categories defined by the surveys and 210,000 in the highest category. Prevalence and severity of disability among adults increased markedly with age. Nearly 70 per cent of adults identified in the surveys as disabled were aged 60 or over and 64 per cent of those in the highest two severity categories were aged 70 or over. For children, the relationship between age and disability was much less clear. Prevalence peaked in the 5 to 9 age group, dropping in the eldest age group of 10 to 15 years as some conditions cleared up in adolescence.

The OPCS surveys set the threshold for defining disability deliberately low, with the result that it includes people who are well able to participate in normal daily activities and who are not dependent on disability benefits or services. The surveys found that, in general, the gap in income between disabled people and non-disabled people was much greater for those under pension age. They also found, in general, that for those in receipt of the existing mobility and attendance allowances, the value of the benefits was greater than the average extra costs identified by the survey.

PROGRAMME FOR ACTION

In its review of the benefits system, says the White Paper, the Government had four key objectives:

1 to improve the structure of benefits for disabled people to make it more attuned to their needs and circumstances and to establish firm foundations for the future;

2 to promote independence where feasible and sensible, and, in particular, to help those disabled people who wish to work to do so;

3 to balance the help given by the different benefits so that more is given to those most in need, including, especially, those disabled at birth or early in life; and

4 to avoid duplication with other sources of help.

The White Paper sets out a practical programme to be implemented in three stages:

Extra Help through Existing Benefits

The Government proposes to implement by autumn 1990 the measures for long-term sick and disabled people announced in October 1989. Giving extra help to some 500,000 disabled people and their carers, these measures would include:

– increasing in real terms the disability premiums in income support and housing benefit;

– raising to the adult rate premiums for disabled children;

– extending attendance allowance to disabled infants under two, and abolishing the six-month qualifying period for attendance allowance for terminally ill people;

– extending mobility allowance to people who are both deaf and blind;

– improving incentives to rehabilitation for employment;

– introducing into income support and housing benefit a £10 carers' premium for those who receive invalid care allowance; and

– additional funds for the Independent Living Fund, which provides help to severely disabled people who need domestic help in order to live in their own homes (see p 249, 1988).

Current Legislative Proposals

As a result of its review of the benefits system, the Government has concluded that the structure of help given to replace lost earnings for people unable to work 'should take account of the encouraging growth of long-term occupational sick pay and should be improved for those with no access to contributory or occupational benefits'. The White Paper's measures aim to enhance the benefits of severely disabled people who have never been able to work, or who have been disabled early in life; and to ensure a better balanced and more sustainable overall structure of income-replacement benefits for incapacity. These proposals have now been incorporated in the Social Security Bill at present before Parliament. They are:

– From December 1990 age-related additions to the non-contributory severe disablement allowance, similar to those already paid with the contributory invalidity benefit, would be introduced. There would be three rates and the rate payable would be determined by the claimant's age at onset of incapacity. The youngest disabled people, those below 40, many of whom have never been able to work, would receive most help.

– A change in the structure of the industrial injuries scheme is proposed: at present, the scheme provides for a reduced earnings allowance payable for loss of earnings to people who have suffered industrial injury. However, most claimants who are not working also receive invalidity benefit, which is payable regardless of the cause of incapacity. This duplication would be removed by ending new entitlements to the reduced earnings allowance after late 1990. Entitlement to the principal industrial injuries benefit (industrial disablement benefit) would be unaffected. All existing entitlements to reduced earnings allowance acquired up to that time would be preserved and subject to uprating in future years.

The Bill proposes to end accruals of rights to the additional pension element of invalidity benefit that would otherwise be earned after the end of April 1991 when the proposed legislation would come into force. The Government considers that the build-up of these rights would inhibit the growth of occupational provision and constrain its ability to help those most in need; it would also further widen the gap between those disabled people who have been able to work and those who have not. All existing entitlements would be preserved and subject to revaluation and uprating in future.

Proposed New Benefits

The Government proposes to bring forward further legislation at the earliest practicable opportunity to introduce a disability allowance for people of working age and below and a disablement employment credit to make it easier for disabled people to take up jobs; both benefits would be introduced in April 1992.

Disability Allowance

In the light of the OPCS surveys, the White Paper explains, the Government has concluded that there are some disabled people under pension age who need more help with the extra costs arising from their disability. The survey evidence shows that the people most in need of this help are some with moderate-to-severe disabilities and corresponding costs, but who fail to qualify for attendance allowance or mobility allowance. It therefore proposes to introduce a disability allowance, which would extend help to less severely disabled people and subsume the help at present provided through attendance and mobility allowances. It would be payable to new claimants whose disability begins before the age of 65; this would extend help to less severely disabled people. Once awarded, the disability allowance would continue to be paid irrespective of age, provided the criteria continued to be met.

The new allowance would have two components. The care component would be paid at three different rates, of which the upper two would match the rates of the present attendance allowance. The mobility component would be paid at two levels, of which the upper one would match the existing mobility allowance. The lower rates of each element would give extra help to about 150,000 people in each case.

Attendance allowance would remain for those over retirement age.

Disability Employment Credit

The White Paper states that the existing structure of benefits 'turns on too stark a distinction between ability and inability to work, with the result that people with some – albeit reduced – capacity remain out of work and wholly dependent on benefits'. The Government therefore proposes to create a second new benefit, disability employment credit, designed to promote disabled people's independence by supporting those who are at work or who would like to work and could, but whose earning capacity is low. Its introduction has been proposed, says the White Paper, in response to the widely perceived need for what has often been called a partial incapacity benefit.

The new allowance, which would encourage people to return to or take up work by topping up low earnings, would have a tapered withdrawal of benefit as income rose and could be claimed by people who were receiving the new disability allowance, or who had been receiving invalidity benefit, severe disability allowance or the income support or housing benefit disability premium before starting work. It would be awarded for six-month periods and be subject to periodic medical evidence of partial capacity.

The introduction of the new benefit, the White Paper notes, would represent a fundamental change in the structure of social security help for disabled people. For the first time, the benefit system would explicitly promote disabled people's independence by supporting them in work rather than primarily when they are unable to work at all.

SOCIAL SECURITY BILL

The Social Security Bill received a second reading in the House of Commons on 22 January by 278 votes to 217 (*Hansard*, Vol 165, No 34, cols 625-715).

Main Provisions

Disability Benefits

The Bill would exempt terminally ill people from the six-month qualifying period which must be met before attendance allowance can be awarded. Other provisions would implement some of the wider changes in the structure of disability benefits outlined in *The Way Ahead* (see above). These are: the introduction of an age-related addition to severe disablement allowance; the ending of the reduced earnings allowance element for new cases in the industrial injuries scheme; and the ending of the accrual of further entitlements to the additional pension element of invalidity benefit.

Occupational and Personal Pensions

Measures designed to give greater protection to members of schemes include the introduction of a pensions ombudsman and a registrar of occupational and personal pension schemes to help members trace the agent responsible for their pension rights. The Bill also covers a number of technical amendments to existing occupational and personal pensions legislation.

Other proposals would extend the annual revaluation of pensions to the whole of the personal pension rights of future early leavers instead of just that fraction accumulating after 1985; would introduce a further obligation to revalue benefits when a scheme was wound up; and would include measures to restrict self investment where pension funds owned any assets in companies to which they related.

New Insulation Grants for Low-income Households

Provision would be made to enable the Secretary of State for Energy to introduce a new scheme of grants towards the costs of basic insulation in low-income households. The proposed scheme would replace and augment existing arrangements to meet the cost of draughtproofing materials.

National Insurance Fund

At present, industrial injuries benefits, statutory sick pay and statutory maternity pay, with their associated administrative costs, are paid from the National Insurance Fund. None of these benefits, however, is a contributory benefit since entitlement to them does not depend on employees' satisfaction of contribution conditions. The Government therefore proposes that expenditure on these benefits and their administrative costs should in future be met from general taxation rather than from national insurance contribution income. All three schemes would continue to be administered in the same way and future individual benefit entitlement would be unaffected.

Secretary of State's Speech

Moving the second reading of the Bill in the House of Commons on 22 January, the Secretary of State for Social Security, Mr Tony Newton, reminded the House that over £1,000 million was spent on social security each week. The total expenditure of £56,000 million proposed for the coming year (see pp 70-2) was more than one-third higher in real terms than expenditure in 1979. An increasingly important part of that expenditure, he said, was committed to providing for the needs of disabled people, with more than £8,000 million being spent on the long-term sick and disabled in 1989-90.

On the proposals for occupational pensions, Mr Newton said that for some pension scheme members it had come as a painful awakening in recent years that the takeover or merger of their company had resulted in a sharp reduction in the value of their pension, resulting in a pension based on the lower salary that they had when the original scheme was wound up. Only part of that was protected by revaluation each year. The Government proposed that, in future, revaluation should be applied to the whole of the preserved pension rights of future early leavers. The value of the pension rights above the guaranteed minimum pension level would be revalued until it came into payment in line with price increases or by 5 per cent if that were less.

Personal pensions, he said, had proved very popular (see p 140, 1989). The Government had introduced them at a time when the number of people in occupational schemes had remained virtually static for some 20 years. Now over 3·5 million people had

opted for the personal schemes – a change which had enhanced the choice available to individuals and helped significantly towards the wider objective of getting people to think further ahead about provision for retirement than had traditionally been the case. While in the short-term this meant more income foregone by the National Insurance Fund, in the longer term it reduced the burden on the State Earnings-related Pension Scheme.

On the proposed introduction of a pensions ombudsman, Mr Newton said that there existed a clear need for a mechanism to provide a straightforward method of redress for consumers' problems. Individuals would have free access to the ombudsman, and schemes would have to abide by the decisions given. The proposed tracing registry would also help many people to track down where past pension rights might be held.

In addition, he said, the Bill would extend, for the first time, the payment of statutory maternity pay to women in HM forces.

Opposition Views

For the official Opposition, its chief spokesman on social security, Mr Michael Meacher, said that the Bill would do little to stop employees from being cheated of their pension rights. If elected to power, his party would require pension rights to be uprated each year by the full rate of inflation. The Bill contained nothing to ensure that occupational pensions maintained their value in payment after retirement. He said that the present framework of disability benefits lacked an integrated structure that coherently combined cover for extra daily costs with a flexible allowance according to either partial or total working capacity, and he criticised the present Bill for failing to show any signs of moving towards such an integrated benefits system.

For the Liberal Democrats, Mr Archy Kirkwood expressed his disappointment in the Bill whose provisions, he said, ignored the plight of carers and the problems of people over retirement age.

Hillsborough Football Stadium Disaster: Final Report

The final report of Lord Justice Taylor's committee of inquiry into the Hillsborough Football Stadium disaster, published on 29 January, contains 33 new recommendations, in addition to those made in its interim report, for promoting better and safer conditions at sports grounds. The Government has accepted all the recommendations relating to spectator safety and has decided for the time being not to go ahead with its plans to introduce a compulsory national football membership scheme.

The tragedy at Hillsborough, in which 95 spectators were crushed to death, occurred on 15 April 1989. Lord Justice Taylor's interim report, issued on 4 August 1989 (see pp 332–3, 1989), was primarily concerned with investigating events leading to the Hillsborough disaster, and interim recommendations were made in time for their implementation before the start of the new football season in August 1989. The final report[1] is devoted more generally to the problems of crowd control and safety at all sports stadiums and follows extensive public consultations.

THE TAYLOR REPORT

Present and Future State of Football

Examining the current state of football, the committee of inquiry notes that previous reports on crowd safety have gone unheeded and that complacency is still to be found at many grounds, even after the Hillsborough tragedy. Football, it continues, is suffering as a result of 'old grounds, poor facilities, hooliganism, excessive drinking and poor leadership [on the part of the football authorities and clubs]. Crowd safety and crowd behaviour ... are closely related to the quality of the accommodation and facilities offered and to the standards which are encouraged and enforced.' The provision made by football clubs for fans is often not merely basic but squalid, and such conditions can have an adverse impact on safety and lead to poor standards of behaviour. Spectator behaviour could be improved not only by providing more decent physical conditions but also if all those involved in football – players, referees, managers and club directors – would set a better example, especially to younger fans. Players, for example, are criticised for inciting crowds to behave in a disorderly way and for their own bad behaviour on the pitch.

The report suggests ways of creating a better atmosphere at football grounds and of improving stadiums to provide fans with necessary modern facilities. The bulk of funding for upgrading stadiums should come from the league clubs, which have many sources of revenue available to them, including sponsorship and advertising and the sale of television rights to broadcast matches.

All-seated Accommodation

The report recommends that sports grounds designated under the Safety of Sports Grounds Act 1975 should become all-seated under a phased programme. For English First and Second Division, Scottish Premier League and national stadiums, there should be a reduction of 20 per cent in present standing capacity over each of the next five years to eliminate standing completely by August 1994. In the case of all other designated grounds, an annual reduction of 10 per cent should be imposed in order to do away with standing by August 1999. The first reductions should be made at the beginning of the next football season in August 1990; until then there should be a slight relaxation in the cut in capacity proposed in the interim report – from 15 to 13 per cent. Standing should not be allowed at high-risk matches from 1993.

Advisory Design Council and National Review Body

To help clubs plan and carry out the necessary changes at their grounds, it is proposed that the

[1] *The Hillsborough Stadium Disaster. 15 April 1989. Inquiry by the Rt Hon Lord Justice Taylor. Final Report.* Home Office. Cm 962. HMSO, £10·50. ISBN 0 10 109622 4.

Football Association and the Football League (the principal national football authorities) should set up an Advisory Design Council to conduct research and disseminate information and expertise regularly to league clubs. Also, there is a need for a National Inspectorate and Review Body to assess the way that local authorities certify sports grounds.

Fences and Gates and Pitch Invasions

The report recommends that 'prison-type fences' ought to be removed, because high, spiked fences are intimidating, ugly and demoralising. All perimeter fencing should eventually be taken away, but this would be premature at the moment. For the time being, it is recommended that fences should not be higher than 2·2m (7ft 3in) and that they should have sufficient gates leading on to the pitch to permit immediate evacuation in any emergency. Gates should be painted and kept unlocked during matches. There is merit in safety corridors and to compensate for lowering the height of fences it should become an offence to go on to a pitch without reasonable excuse.

Football Clubs and the Police

Football clubs and the police should agree written statements of intent setting out their respective responsibilities. Clubs should check turnstiles, signs and tickets and recruit an adequate number of competent stewards. The police should be allocated proper control rooms and be urged to review their operational orders for policing matches, training for senior officers in charge of matches and arrest procedures at grounds. Planning by the police should provide that fans without tickets ought not to be allowed to enter a ground except in an emergency, and consideration should be given to such options as postponing kick-offs, early kick-offs and Sunday fixtures. Charges for policing inside grounds should be reviewed by police authorities to ensure that they are realistic.

Offences and Penalties

In order to overcome the problems raised by 'ticket touts', the report suggests making it a criminal offence to sell tickets on the day of the match without authority from the football clubs. It should also be illegal to throw missiles or chant obscene or racialist abuse in sports grounds. It recommends extending the powers of the courts to make attendance centre orders, in conjunction with exclusion orders, and to use electronic monitoring ('tagging' – see p 260, 1988) to keep convicted hooligans away from football grounds during matches.

National Membership Scheme

The committee of inquiry says that it has grave misgivings about the feasibility of the Government's National Membership Scheme (see pp 330–2, 1989)[1] and the likely effect on safety (for instance, it does not consider that the proposed technology would work sufficiently well to avoid the dangers of congestion and disorder). It also expresses concern about the efficacy of the scheme in containing hooliganism and the potential impact on police commitments and control of spectators. Hence, the committee does not support the implementation of that part of the Football Spectators Act 1989 dealing with the setting up and operation of the National Membership Scheme.

Alternative Strategies for Containing Hooliganism

The report draws attention to the progress being made in detecting hooligans and collecting evidence through the use of closed-circuit television and to the better intelligence resulting from the formation of the National Football Intelligence Unit. Together with all-seating and improvements in accommodation, facilities, arrangements for crowd control and training of police and stewards, these measures would, the report concludes, provide the best way of eliminating or minimising football hooliganism.

Other Recommendations

The report contains detailed recommendations about communications, safety certificates, the role of local authorities, co-ordination of emergency services, first aid, medical facilities and ambulances.

GOVERNMENT RESPONSE

In a statement to the House of Commons on 29 January (*Hansard*, Vol 166, No 39, cols 19–36), the Home Secretary, Mr David Waddington, said that the Government accepted all of the report's recommendations for making sports stadiums safer, some of which could be implemented immediately. He also announced that the Government had decided not to proceed with the establishment of the Football Membership Authority provided for under Part I of the Football Spectators Act. However, it would retain the legislative framework for the National Membership Scheme, and work would continue to see how the shortcomings of the scheme identified in the report could be overcome so that it could be implemented in the event of the failure of the report's proposed alternative strategy for coping with hooliganism.

Part II of the Football Spectators Act, which prevents convicted football hooligans from travelling to certain matches outside England and Wales, would be implemented before June 1990 when the World Cup was due to take place in Italy. Arrangements would be made with the Italian Government so that convictions of British fans for football-related offences in Italy could result in exclusion orders in Britain.

The Government intended to set up as quickly as possible a Football Licensing Authority, which would license grounds satisfying its conditions and keep under scrutiny the way in which local authorities carry out their safety functions. It would require the introduction of all-seated stadiums, with standing being reduced in stages and entirely eliminated in First and Second Division grounds by August 1994 and in all other designated Football League grounds by 1999. The necessary steps would be taken to ensure improved arrangements for crowd control and better training for police and stewards. Urgent consideration would be given to the need for the creation of new criminal offences and new powers to deal with those excluded from

[1]This article has been offprinted as COI reference paper *Football Spectators: Proposed Membership Scheme for England and Wales*, No 336/89.

grounds by the courts. Regarding the football clubs, the Home Secretary said that they had a responsibility to improve conditions at grounds in order to create a better atmosphere and thereby discourage bad behaviour on the part of spectators.

Shorter Notes

RADON

The Government's acceptance of the recommendation of the National Radiological Protection Board (NRPB) that the level above which action should be taken to reduce exposure to radon in homes should be halved was announced on 19 January by Mr David Trippier, Minister of State for the Environment and Countryside.

Radon-222 is a naturally occurring radioactive gas, deriving from the radioactive decay of radium, which in turn derives from the decay of uranium. It is given off from all soils to some extent, but is particularly prevalent in and around areas of igneous rock, such as granite. It disperses rapidly in the atmosphere, but when entering houses and other enclosed spaces can build up into dangerous concentrations. Radon in the home is the main source of human exposure to ionising radiation, and it is now estimated that one in twenty lung cancers in Britain may be due to radon.

In 1987 the Government announced a programme of action on radon (see p 70, 1987) for homes where the dosage of radiation from radon exceeded 20 MilliSieverts (mSv) a year, corresponding to a radon concentration of 400 becquerels per cubic metre (Bq/m^3). However, recent research by the International Commission on Radiological Protection and the United States National Research Council has shown that the risk to humans from radon is greater than originally thought. The NRPB has therefore recommended that the 'action level' be reduced to 200 Bq/m^3, and the Government has accepted this advice. The NRPB further recommended that parts of the country, where an appreciable percentage of homes may exceed the action level, should be defined as 'Affected Areas'; this would enable attention to be focused on the problem where it is most needed.

Mr Trippier said that some 15,000 surveys of homes had been undertaken and the Government would continue to fund free measurements for householders in radon-affected areas. Home improvement grants would still be available to treat existing homes until 1 April; after then, discretionary grant aid would be available under the new system of renovation grants. The Government was awaiting further advice on the definition of radon-affected areas from the NRPB. Field trials were also being conducted by the Building Research Establishment on remedial measures for existing houses, which would enable the Government to publish further advice later in 1990. There would also be an additional programme of research on dwellings with radon concentrations between the old and the new action levels.

The original advice bore particularly upon Devon and Cornwall; about 5 per cent of homes there had radon concentrations above the 400 Bq/m^3 level. Under the new advice, according to the NRPB, Devon and Cornwall still have the highest number of affected houses – 60,000, representing about 12 per cent of properties. However, other counties would also have significant numbers of affected properties, most notably, Derbyshire, Northamptonshire and Somerset, which would each have between 1 and 3 per cent of houses affected – around 10,000 in all. The average concentration of radon in British homes is around 20 Bq/m^3.

Sources: Board Statement on Radon in Homes, *Documents of the NRPB*, Vol 1, No 1, 1990. HMSO, £5. ISBN 0 85951 322 X; Department of the Environment news release, 19.1.90.

IVORY TRADE

On 17 January Britain entered a six-month reservation on behalf of Hong Kong against the reclassification of the African elephant from Appendix II to Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The reclassification, which in general came into effect on 18 January, will have the effect of prohibiting trade in ivory from the African elephant among contracting parties to CITES (see p 438, 1989). Under the reservation, however, it will be permitted for Hong Kong traders to export their current stocks of ivory to non-contracting countries and to those other countries which have entered reservations. Hong Kong has a significant business in carving and trading in ivory, and existing stockpiles of ivory held there total some 600 tonnes.

Explaining the Government's position to the House of Commons, the Foreign and Commonwealth Secretary, Mr Douglas Hurd, said that the reservation 'will allow Hong Kong traders time to dispose of their legally acquired ivory in an orderly fashion and enable workers and carvers to find alternative employment. After that, Hong Kong will be part of the agreed system.'

Source: *Hansard*, Vol 165, No 31, cols 300-1.

REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS

The Government's proposals for reforming the system of registration of births, marriages and deaths were set out in a White Paper published on 31 January. They largely follow the lines proposed in the Green Paper issued in December 1988 (for publication details see p 446, 1988).

The White Paper proposes a new management structure for the registration service, under which day-to-day running of the service would be in local hands while the Registrar General would retain responsibility for setting national standards. Other reforms would improve the cost-effectiveness of the

service; these would include increased use of computers and clerical support.

The White Paper proposes that civil marriages should no longer be restricted to the usual district of residence, although notice would still have to be given there. In order to offer greater choice over civil marriages, local authorities would gain the power to offer weddings in buildings other than the local registry office, and the form of the service could be varied at the registrar's discretion by additions, such as poetry readings, to the ceremony. The existing provision that 'no religious service shall be used' would be retained.

There would be various changes in all registration procedures to improve the statistical information obtained. Still-birth registrations would be aligned more closely with the procedures for registering deaths, and a new system would be introduced for notifying deaths, which would save informants having to travel to the district where the death took place in order to register it.

'Historic' records, those more than 75 years old, would become open to public inspection by means, initially, of microfilmed copies. Certified copies of more recent records would become obtainable only by those with a legitimate need for the document concerned. However, non-certified copies would become generally obtainable.

Nearly all of the changes will require legislation for their implementation, and the Government hopes to introduce this at an early stage.

Sources: *Registration: Proposals for Change.* Cm 939. HMSO, £5·60. ISBN 0 10 109392 6; Office of Population Censuses and Surveys news release, 31.1.90.

DOCUMENTATION

General

Annual Abstract of Statistics: 1990 Edition. Central Statistical Office. Contains 348 tables in 18 chapters covering most aspects of social and economic life in Britain. HMSO, £18·50. ISBN 0 11 620395 1.

Government and Administration

United Kingdom Government Ministers. COI, No 61/90.

Candidates' Election Expenses. This consultation paper forms the first stage in a review of the statutory controls on election expenses and follows an undertaking, given during the passage of the Representation of the People Act 1989, to issue a paper 'seeking the views of the political parties and electoral registration officers on the question of election expenses' (see p 257, 1989). Issued by the Home Office, the Scottish Office and the Northern Ireland Office. Available free from the Home Office, D Division, Room 739, Queen Anne's Gate, London SW1H 9AT.

Publicity Services in Government Departments. A report by the Comptroller and Auditor General covering the organisation and management of publicity, the planning of publicity campaigns, the appointment and remuneration of advertising agencies, the functions of advertising and the effectiveness of publicity. National Audit Office. HMSO, £7. ISBN 0 10 204690 5.

Public Bodies 1989. An annual report giving key statistics for a wide variety of public sector bodies, including National Health Service authorities and nationalised industries as well as non-departmental public bodies. Cabinet Office. Office of the Minister for the Civil Service. HMSO, £9. ISBN 0 11 430042 9.

Crime, Justice and Protecting the Public. Outlines government proposals for reforming the criminal justice system (see pp 53-9). Cm 965. HMSO, £6·20. ISBN 0 10 109652 6.

Economic and Scientific Affairs

Financial Reporting to Parliament (see p 69). Cm 918. HMSO, £1·70. ISBN 0 10 109182 6.

The Government's Expenditure Plans 1990-91 to 1992-93 (see pp 69-73). HM Treasury.

Chapter 1 – Ministry of Defence. Cm 1001. HMSO, £3·20. ISBN 0 10 110012 4.

Chapter 2 – Foreign and Commonwealth Office (including Overseas Development Administration). Cm 1002. HMSO, £4·30. ISBN 0 10 110022 1.

Chapter 3 – Ministry of Agriculture, Fisheries and Food, Intervention Board for Agricultural Produce and Forestry Commission. Cm 1003. HMSO, £5·80. ISBN 0 10 110032 9.

Chapter 4 – Trade and Industry. Cm 1004. HMSO, £5·40. ISBN 0 10 110042 6.

Chapter 5 – Energy. Cm 1005. HMSO, £4·60. ISBN 0 10 110052 3.

Chapter 6 – Department of Employment. Cm 1006. HMSO, £5·50. ISBN 0 10 110062 0.

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Chapter 8 – Environment. Cm 1008. HMSO, £8·30. ISBN 0 10 110082 5.

Chapter 9 – Home Office (including Charity Commission); Chapter 10 – Lord Chancellor's and Law Officers' Departments. Cm 1009. HMSO, £6·70. ISBN 0 10 110092 2.

Chapter 11 – Department of Education and Science. Cm 1011. HMSO, £5·30. ISBN 0 10 110112 0.

Chapter 12 – Office of Arts and Libraries. Cm 1012. HMSO, £3·20. ISBN 0 10 110122 8.

Chapter 13 – Department of Health and Office of Population Censuses and Surveys. Cm 1013. HMSO, £5·90. ISBN 0 10 110132 5.

Chapter 14 – Department of Social Security. Cm 1014. HMSO, £5·90. ISBN 0 10 110142 2.

Chapter 15 – Scotland. Cm 1015. HMSO, £6·30. ISBN 0 10 110152 X.

Chapter 16 – Wales. Cm 1016. HMSO, £4·30. ISBN 0 10 110162 7.

Chapter 17 – Northern Ireland. Cm 1017. HMSO, £4·50. ISBN 0 10 110172 4.

Chapter 18 – Chancellor of the Exchequer's Departments; Chapter 19 – Cabinet Office, Privy Council Office and Parliament; Chapter 20 – Net Payments to European Community Institutions. Cm 1018. HMSO, £6·30. ISBN 0 10 110182 1.

Chapter 21 – Supplementary Analyses and Index. Cm 1021. HMSO, £12. ISBN 0 10 110212 7.

Complete sets of the above are available at the price of £68.

Local Government Finance (England): The Revenue Support Grant Distribution Report (England) (see p 79). Department of the Environment. HMSO, £5·40. ISBN 0 10 204990 4.

Friendly Societies: A New Framework (see p 79). Cm 919. HMSO, £5·20. ISBN 0 10 109192 3.

Britain's Overseas Trade (offprinted from *Britain 1990: An Official Handbook*). COI, No 54/89.

Part-time Work. Second Report of the House of Commons Employment Committee, Session 1989-90.
Vol 1. Report, together with the Proceedings. HMSO, £5·60. ISBN 0 10 273590 5.
Vol 2. Minutes of Evidence and Appendices. HMSO, £18. ISBN 0 10 273990 0.

The Growth of Venture Capital and the Expansion of the Small Firms Sector in Britain. COI, No 272/89.

Small Firms in Britain. Department of Employment. An account of the Government's initiatives to assist in the development of the small firms sector, including statistical information on its development in the 1980s. Available free from the Department of Employment, Caxton House, Tothill Street, London SW1H 9NF.

The Design Solution: The Work of the Design Council. An account of the Design Council's services and its activities in promoting the role of design in improving the market performance of manufacturing industry and commerce. Available free from the Design Council, 28 Haymarket, London SW1Y 4SU.

Monopolies and Mergers Commission: The Role of the Commission. Updated third edition of an account of the functions and responsibilities of the MMC. HMSO, £1·50. ISBN 0 11 515211 3.

Food Surveillance. Gives consumers information about the extensive government system for surveying chemicals and nutrients in the national food supply, and explains how, through the Steering Group on Food Surveillance (see p 318, 1989), the Government maintains a comprehensive and up-to-date picture of which nutrients, food additives and chemical contaminants are being consumed. Available free from Food Sense, London SE9 7TT.

Diversification in the Use of Farm Resources. John McInerney, Martin Turner and Michael Hollingham. A report commissioned by the Ministry of Agriculture, Fisheries and Food, which documents the extent and nature of alternative enterprises on farms in Britain (see pp 67 and 240, 1988). The report notes that a third of farms have some sort of additional enterprise, the most common (found on about 50 per cent of diversified farms in England) being the provision of camping or recreational facilities. Available from Agricultural Economics Unit, University of Exeter, Exeter EX4 6TL. £5.

Land Use and Forestry. Second Report of the House of Commons Agriculture Committee, Session 1989-90.
Vol 1. Report and Proceedings. HMSO, £7·40. ISBN 0 10 272390 7.
Vol 2. Minutes of Evidence and Appendices. HMSO, £27·10. ISBN 0 10 272490 3.

Channel Tunnel Safety Authority Annual Report 1988-89. HMSO, £9·50. ISBN 0 11 550948 8.

Allocations of the Science Budget 1990-93 (see pp 78-9). Advice to the Secretary of State for Education and Science from the Advisory Board for the Research Councils. Available free from the Department of Education and Science, Elizabeth House, York Road, London SE1 7PH.

Dual Support: Adjusting the Balance of Funding Responsibilities (see pp 78-9). Available free from the Department of Education and Science, Room 5/67, Elizabeth House, York Road, London SE1 7PH.

Environmental, Social and Cultural Affairs

Regenerating the Inner Cities. National Audit Office. An examination of the main programmes for regenerating the inner cities carried out by the Departments of the Environment, Employment, and Trade and Industry since 1988. HMSO, £7·90. ISBN 0 10 216990 X.

An Evaluation of Energy Related Greenhouse Gas Emissions and Measures to Ameliorate Them. The study is designed to illustrate the practical technical options which may be available to curtail emissions of 'greenhouse' gases from British energy-related activities. Energy Paper 58. HMSO, £10·95. ISBN 0 11 412960 6.

Registration: Proposals for Change (see pp 90-1). Cm 939. HMSO, £5·60. ISBN 0 10 109392 6.

The Way Ahead. Benefits for Disabled People (see pp 84-7). Cm 917. HMSO, £7·50. ISBN 0 10 109172 9.

Acquired Immune Deficiency Syndrome in England and Wales to end 1993: Projections using Data to end September 1989. A report by the Public Health Laboratory Service (PHLS), which updates Sir David Cox's report on short-term predictions in HIV and AIDS published in 1988 (see p 447, 1988). It concludes that the predicted incidence of AIDS in homosexual men is lower than previously calculated, and that, as a result of behavioural change, the probable number of this group infected with HIV is also lower than previously estimated. It concludes, however, that the potential for widespread dissemination of HIV remains, particularly among heterosexuals and injecting drug users. Available from PHLS, Communicable Disease Surveillance Centre, 61 Colindale Avenue, London NW9 5EQ. £1.

AIDS. Response by the Government to the Seventh Report from the Social Services Committee Session 1988-89. The Government's response covers the five

main areas of the committee's report, dealing in turn with the Government's strategy, the spread of the disease, care in the community, prevention, drug misusers and HIV and AIDS in prisons. Department of Health. Cm 925. HMSO, £2·60. ISBN 0 10 109052 8.

Alcohol Education and Research Council: Seventh Annual Report and Statement of Accounts presented to the Secretary of State for Home Affairs. Available free from the Secretary, Alcohol Education and Research Council, Abell House, Room G6, John Islip Street, London SW1P 4LH.

Nurse Prescribing. A Department of Health report recommending that nurses with a district nurse or health visitor qualification should be allowed to prescribe items necessary for the care of those conditions for which they take independent clinical responsibility. Available free from DH Store, Health Publications Unit, No 2 Site, Manchester Road, Heywood, Lancashire OL10 2PZ.

Personal Social Services: Provision for Mentally Handicapped People in England 1978-1988. Statistical Bulletin No 3 (2) 90, issued by the Department of Health, is based on statistical returns submitted by local authorities. Shows trends in residential accommodation and day care services and in staffing of local authority establishments. Available from the Department of Health, Publications Despatch Centre, Government Buildings, Honeypot Lane, Stanmore, Middlesex HA7 1AY. £2.

Standards in Education 1988-89. The Annual Report of HM Senior Chief Inspector of Schools. January 1990. Available free from the Department of Education and Science, Publications Despatch Centre, Honeypot Lane, Stanmore, Middlesex HA7 1AZ.

An Introduction to the Children Act 1989. An introductory guide to the 1989 Act (see pp 207-9 and 450, 1989), which will be implemented in full in October 1991. Department of Health, Lord Chancellor's Department, Home Office, Department of Education and Science, Scottish Office and Welsh Office. HMSO, £4·95. ISBN 0 11 321254 2.

Should Museums Charge? Some Case Studies. First Report from the House of Commons Education, Science and Arts Committee, Session 1989-90. Report, together with the Proceedings of the Committee, Minutes of Evidence and Appendices. HMSO, £9·40. ISBN 0 10 209490 X.

The Hillsborough Stadium Disaster. 15 April 1989. Inquiry by the Rt Hon Lord Justice Taylor. Final Report (see pp 88-90). Home Office. Cm 962. HMSO, £10·50. ISBN 0 10 109622 4.

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